Police Interviews with Women Reporting Rape: A Critical Discourse Analysis

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Thesis Summary

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Synopsis:

This study investigates the discursive patterns of interactions between police interviewers and women reporting rape in significant witness interviews. Data in the form of video recorded interviews were obtained from a UK police force for the purposes of this study. The data are analysed using a multi-method approach, incorporating tools from micro-sociology, Conversation Analysis and Discursive Psychology, to reveal patterns of interactional control, negotiation, and interpretation. The study adopts a critical approach, which is to say that as well as describing discursive patterns, it explains them in light of the discourse processes involved in the production and consumption of police interview talk, and comments on the relationship between these discourse processes and the social context in which they occur. A central focus of the study is how interviewers draw on particular interactional resources to shape interviewees' accounts in particular ways, and this is discussed in relation to the institutional role of the significant witness interview. The discussion is also extended to the ways in which mainstream rape ideology is both reflected in, and maintained by, the discursive choices of participants.

The findings of this study indicate that there are a number of issues to be addressed in terms of the training currently offered to officers at Level 2 of the Professionalising Investigation Programme (PIP) (NPIA, 2009) who intend to conduct significant witness interviews. Furthermore, a need is identified to bring the linguistic and discursive processes of negotiation and transformation identified by the study to the attention of the justice system as a whole. This is a particularly pressing need in light of judicial reluctance to replace written witness statements, the current 'end product' of significant witness interviews, with the video recorded interview in place of direct examination in cases of rape.

Acknowledgements

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Transcription Key

[segment]	overlapping talk
=	latching (no interval between adjacent utterances)
SEGMENT	noticeably louder speech
°segment°	noticeably quieter speech
°°segment°°	whispered speech
>segment<	noticeably faster speech
<u>syllable</u>	emphatic stress
?	rising intonation, not necessarily a question
.	falling intonation, not necessarily the end of an utterance
,	continuing intonation, not necessarily between clauses
:	lengthened sound
-	halted utterance
↑	raised pitch
•h	audible in-breath
h	audible out-breath
•shih	wet sniff
heh	laughter
huhh •huh	voiced breaths (sobbing)
wo(h)rd	aspiration/laughter within speech
wo(g)rd	guttural voice
~segment~	wobbly voice
ttt	clicks/tutts
(.)	micro pause
(0.5)	length of pause in tenths of seconds
(word)	unclear utterance
((town name))	non-verbal behaviour/transcriber's comments/omitted information

Key to Speakers

IE: Interviewee
IR: Interviewer
IR2: Observing Officer, usually out of sight in adjacent room.

Extracts are numbered sequentially with reference to the chapter in which they appear (e.g. Extract 4-12 is the twelfth extract appearing in Chapter 4), and labelled according to the pseudonym selected for the interviewee and the page of their transcript on which the extract can be found (e.g. 'Ellen', p.1). The first line number of each extract relates to the line number within the transcript where the extract begins. Due to pagination, subsequent line numbers do not necessarily match up to the raw data as presented in the Appendices (Volume II, available only to examiners).

List of Abbreviations Used

ABE: Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable and Intimidated Witnesses, Including Children

ACPO: Association of Chief Police Officers

BBC: British Broadcasting Corporation

CA: Conversation Analysis

CCTV: Closed Circuit Television

CDA: Critical Discourse Analysis

CI: Cognitive Interview

CM: Conversation Management

CPS: Crown Prosecution Service

DP: Discursive Psychology

ECI: Enhanced Cognitive Interview

HOCR: Home Office Counting Rules

HOSB: Home Office Statistical Bulletin

HORS: Home Office Research Study

HMCPSI: Her Majesty's Crown Prosecution Service

HMIC: Her Majesty's Inspectorate of Constabulary

IS: Interactional Sociolinguistics

MEMO: Memorandum of Good Practice for Video Interviews with Child Witnesses for Criminal Proceedings

NC: No Crime

NFPA: No Further Police Action

NPIA: National Policing Improvement Agency

PACE: Police And Criminal Evidence Act (1984)

PEACE: Prepare, Engage & Explain, Account, Closure, Evaluation (interviewing mneumonic)

PIP: Professionalising Investigation Programme (levels 1-4)

RASASC

(NWW):   Rape And Sexual Abuse Support Centre (North West Wales)

RS: Reported Speech

SARC   Sexual Assault Referral Centre

SCAS: Serious Crime Analysis Section

SOA: Sexual Offences Act (2003)

SOLO: Sexual Offences Liaison Officer

SWI: Significant Witness Interview

TCU: Turn Constructional Unit

TED: Tell, Explain, Describe (Interviewing mneumonic)

TRP: Transition Relevance Point

YCJEA: Youth & Criminal Justice & Evidence Act (1999)

Chapter 1 : Introduction

The motivation to carry out this research has been generated by prolonged involvement with the Rape and Sexual Abuse Support Centre, North-West Wales (RASASC NWW) and by concerns, expressed more vociferously in recent years than ever before, about the failure of British police forces[1], the Crown Prosecution Service and the Courts to deliver justice to victims of rape. Though not a new concern, it is one that led to the commissioning of a special thematic report on behalf of and HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary in early 2007, spurred the Association of Chief Police Officers to propose specialist teams of rape investigators in every UK police force in 2008[2], and prompted the ongoing research at the National Police Improvement Agency into the quality of investigative interviews with women reporting rape (Milne, personal communication, 2009). Most recently, the Stern Review (Stern, 2010) noted that, while substantial changes have been made in recent years to the way rape is investigated and prosecuted, many problems remain in terms of the implementation of these policies.

The total number of recorded rapes of females in the year ending March 2009 was 12,186 (HOSB 2009), a 6% increase on the previous year. The figure gives cause for concern, particularly in light of estimated reporting rates as low as 18% (RASASC NWW, 2008). Furthermore, attrition, that is, the rate at which reported cases 'drop out' of the system before reaching trial, stands at 78%, and of these 80% do so due to a decision by the police (Kelly, Lovett & Regan, 2005). With the most recent figures available suggesting that only around 6% of reported rapes result in a conviction, it is little wonder that the institutional treatment of rape has re-established itself firmly at the top of the feminist academic agenda. As Moore (2009) points out, 'there are few other crimes where the appearance, status and behaviour of the victim are deemed to be significant factors in adjudication, both in the courtroom and in media coverage of a case' (2009:308). One of the aims of this study is to explore the means by which such factors are treated as significant in the discourse of police interviews.

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[1] The Police Service of England & Wales is divided into 43 territorial forces. Forces are independent, with operational control resting solely with the chief officer of each force.
[2] http://news.bbc.co.uk/1/hi/uk/7496013.stm

Before moving on to review the existing literature in domains considered relevant to the current research it is necessary here to explain and define some of the terms used in this study. The term 'victim' is used throughout, interchangeably with 'witness' and 'interviewee'. Despite many rape support organisations and individual recipients of sexual violence rejecting the term 'victim' in favour of 'survivor' or even 'thriver', 'victim' remains the term most commonly used within the police service (see ACPO/Centrex, 2005) so has been adopted for the purposes of the current research. The label 'complainant', although arguably more neutral, was rejected to avoid any confusion with the civil court system. It should be noted that use of the term 'victim' does not imply any assumptions on the part of the researcher about the truthfulness or otherwise of the reports in question. In the analytical chapters, the terms 'interviewee' and 'interviewer' are favoured, because it is the participants' *interactional* roles that take precedence. This should not be taken as an indication that the author deems the participants' *social* roles (for example as 'victim' and 'officer') to be irrelevant – as will become clear, these roles are considered to be crucial in both influencing and explaining participants' interactional behaviour.

As for the term 'rape' itself, it is used in the current study according to the definition set out by the Sexual Offences Act (SOA) of 2003, which came into force in May 2004. Extending the existing Act, SOA (2003) defines rape as 'the non-consensual penetration by a penis of a person's vagina, anus or mouth'. SOA also took existing legislation further by defining consent: 'a person consents if he or she agrees by choice, and has the freedom and capacity to make that choice' (SOA S.74). As the title of this study suggests, the focus here will be on female victims. While it is acknowledged that males can be and are raped, it was felt that examining the institutional treatment of a crime which reflects the historical oppression of one sex by another allowed for more focus to the study. This does not imply an assumption on the part of the researcher that male-on-male rape is any less serious or worthy of academic research.

With the methods used by police to investigate rape and victims' experiences of the investigative process coming under particular scrutiny of late (HMCPSI/HMIC, 2007; Jordan, 2004; Maier, 2008; Page, 2008), and with recent attempts to improve the interview process for victims and witnesses (Home Office, 2007), it seems fitting and

timely for an in-depth discourse analytical study within the specific interactional context of police interviews with rape victims. As well as contributing to the wealth of existing feminist discourse analytic research within institutional contexts in general (Kendall & Tannen, 1997), and in relation to rape in particular (Anderson & Doherty, 2008; Ehrlich, 2001) this research aims to address a gap in the training currently offered to officers who undertake significant witness interviews in these cases.

Police interview interaction has attracted the attention of discourse analysts primarily interested in the effects on discursive patterns of an obviously asymmetrical distribution of power and the goal-oriented nature of institutional talk, as well as ways in which such relationships and purposes are managed, negotiated and resisted at the local level (see, for example, Haworth, 2006; Newbury & Johnson, 2006). However, minimal examples exist of discourse analytical investigations dealing specifically with interviews with victims in rape cases. There is a comparative wealth of research studies that have taken as their primary data media discourse around sexual violence (Clark, 1992; Moore, 2009; Morgan, 2006), the talk of rape and sexual assault trials, tribunals and appeal rulings (Coates, Bavelas & Gibson 1994; de Carvalho Figueiredo, 2002; Ehrlich, 2001, 2002; Matoesian 1993, 2001; Taslitz, 1999, etc.), and the language of police interviews with *suspects* in sexual crimes (Benneworth, 2007; Haworth, 2009; Hyden & McCarthy, 1994). One might consider it surprising, then, that a detailed examination of the talk within *investigative interviews* with rape *victims* is as yet markedly absent from the literature. In light of claims that the police investigation is perhaps the most crucial link in the investigative and judicial chain (Gregory & Lees, 1999; Jordan, 2004), and speculation that since the Police & Criminal Evidence Act (PACE) of 1984 the majority of miscarriages of justice have occurred as a result of poor quality witness interviews (Savage & Milne, 2007) the current study aims to address this glaring gap.

The central aim of this study, then, is to carry out a detailed investigation into the discursive patterns that are characteristic of police interviews with rape victims. To this end, Chapter 2 provides a context for the current study, introducing the topic with reference to existing research in related areas as well as outlining some of the relevant theoretical concerns. Chapter 3 is concerned with the relevant methodological issues, providing a description of the data set as well as explanations of each analytical tool

that has been applied to it. The chapters that follow provide a discussion of the findings of each of these in turn. Particular attention is paid firstly to identifying evidence for an overall structure of the interview (Chapter 4). Current police guidelines recommend a phased approach to interviewing, and this first analytical chapter applies an analysis of footing (Goffman, 1981) to demonstrate the differences between these phases in terms of 'who is speaking, and to whom?'. That is to say, at what points during an interview is an interviewer speaking for him/herself, and at what points is he/she speaking on behalf of the police institution? When is s/he addressing the interviewee, and at what points is his/her primary target the unseen audience (in this case, the Crown Prosecution Service and potentially the Court)? How do interviewers ensure and explicate that the source of any information gleaned during an interview is the interviewee, and the interviewee alone? These questions are also discussed in relation to Fairclough's (1992;1995) concept of the 'conversationalisation' of institutional discourse – how have recommendations for the 'personalisation' of investigative interviews affected the patterns we can expect to observe therein?

Chapters 5 and 6 focus more specifically on two devices which are exploited by interviewers, seemingly in an attempt to ensure not only that the source of particular information is the interviewee's own account, but that it *is heard to be so.* Firstly, the use of reported speech, which can be an effective way of re-orienting interviewees to relevant earlier stretches of their own talk, through the use of verbal processes such as 'you said...' or 'you mentioned...', while making explicit that it is the interviewee who retains the authority behind the proposition of the utterance. This feature arguably occurs as a direct result of the phased approach to interviewing, and recommendations that an interviewee's initial free report should be allowed to progress without interruption. The potentially negative effects of *mis*representing interviewees' accounts are discussed at some length. The second reflexive phenomenon to be discussed is what has been termed in the Conversation Analysis (CA) literature *formulations.* These take the form of interviewers' paraphrases of interviewees' prior talk, and can often be identified by the presence of a discourse marker such as 'so...' or 'and...'. While in ordinary conversation formulations are generally produced to check understanding of prior talk, in institutional contexts they have been shown to have a variety of functions, such as displaying 'active listening', summarising,

probing and challenging (Hak & de Boer, 1996; Heritage, 1985; Hutchby, 2005). Like many linguistic forms, then, formulations are multi-functional (Cameron, McAlinden & O'Leary, 1989), and one example can function in a combination of these capacities. Again, there are potentially negative consequences of misrepresenting earlier talk, and interviewees are likely to find both reported speech and formulation difficult to challenge, given both the power asymmetry of the interaction and the fact that the words have been explicitly attributed to themselves.

Chapter 7 shifts the focus somewhat, concentrating largely on the contributions of interviewees rather than interviewers. In this analysis the concepts of *interpretative repertoires* and *accounts,* including *excuses and justifications* are borrowed from discursive psychology (Potter & Wetherell, 1987) to demonstrate that there is a particular set of resources that interviewees draw on to make sense of their experiences, with a particular focus on how they *excuse* or *justify* their behaviour, perhaps displaying an awareness of potential projected blame-implication.

Through careful selection of a combination of tools sourced from various approaches to the analysis of discourse, this study provides a detailed insight into the discursive practices at work in police interviews with women reporting rape. As a critical analysis, connections will repeatedly be drawn between the patterns observable at the local level, and the position of sexual violence in the wider social and historical context. Chapter 8 discusses the cumulative effect of all the patterns identified in the preceding four chapters, with reference to several large stretches of one interview in particular. Chapter 9 reflects on the study, draws together the findings, discusses implications for police interviewing and beyond, and makes some tentative recommendations for improvement.

Chapter 2 : Research Context

2.1 Introduction

In order to provide a firm rationale for the current study, and place it in context with existing research in related areas, this chapter will be devoted to critical discussion of the main areas considered relevant to its focus. Section 2.2 begins by giving an overview of the various approaches taken from the 1950s onwards to the study of sexual violence as a social phenomenon. Section 2.3 explores social reasoning for rape, with particular reference to how society has come to be termed 'rape supportive' by many feminist scholars. It will be these sections that provide the basis for subsequent discussion of pervasive ideologies surrounding rape, with a particular focus in section 2.4 on the manifestation of these ideologies within the judicial system. To facilitate a more comprehensive understanding of *police* responses to rape in particular, sections 2.5 and 2.6 describe a number of studies that have investigated the topic from various perspectives, and include discussions of both historical research and the most up to date reports on the current situation in terms of legislation, training and police competence. Section 2.7 moves on to more theoretical concerns, outlining some definitions and assumptions of Critical Discourse Analysis (CDA), an umbrella term for a collection of approaches to discourse which unapologetically take a particular political bias toward their data. As an essentially critical piece of research, the present study is heavily influenced by these approaches. The final section of this chapter provides discussion of some specific studies which have applied various critical frameworks to different sets of data relating to rape, including newspaper reports, trial language and appellate rulings. Section 2.8 deals exclusively with studies from the field of forensic linguistics concerned with the discourse of the police interview. Brief discussion of discourse analytic research into suspect interviews and interviews with children will be presented here, along with more detailed examination of the more relevant context of significant witness interviews.

2.2 A History of the Study of Rape

During the 1950s and 60s, psychologists working within the domain of rape research traditionally focussed on the offender, working on the assumption that mental and

sexual disorders were to blame for their 'deviant' behaviours. Gerbhard et al. (1965, cited in Russell, 1984), for example, described the majority of rapists as 'criminally inclined…their sex offenses [are] by-products of their criminality' (1984:103), and went on to develop a typology that classified sex offenders as, *inter alia*, hetero sexual aggressors, assaultative, amoral delinquents or drunk. There later came a shift towards an emphasis on the clinical characteristics of the victim, 'implying that their traits or dispositions contributed to sexual victimization' (Ward, 1995:9).

Scully (1990) suggests that researchers during this period who sought to blame mental disease, 'natural impulse' or 'victim precipitation' have been instrumental in forming the popular myths surrounding rape, and knowing what we do now about rape's prevalence, these early theories come up decidedly short – the argument that sexual violence is perpetrated by a deviant criminal element can no longer hold water. By the late 1960s rape and other forms of sexual violence had established themselves firmly as the main organising focus for women's liberation movements, and the so-called 'second wave' of feminist academic thinking (Kelly & Radford, 1998). This comprised critical social analyses as well as political and legal strategies aimed at reducing women's vulnerability to such violence (Jordan, 2004).

With her work described as the 'cornerstone of feminist scholarship on rape' (Ward, 1995:19), Susan Brownmiller (1975) is widely acknowledged in feminist circles to have taken the first step in addressing rape as a social problem. Conceptualising violence against women as an integral part of a patriarchal society, Brownmiller asserted that rape is a social tradition of male domination and female exploitation. Her argument hinged on her description of rape not, as the psychological literature of the time had been asserting, as a sexual act, but one of violence, power, and domination: qualities which typified men's attitudes and behaviour towards women across our society as a whole. This is echoed by Russell (1975), who explains rape as 'an extreme acting out of qualities that are regarded as supermasculine in this and many other societies' (1975:260), and Connell (1987:107): 'rape…is a form of person-to-person violence deeply embedded in power inequalities and ideologies of male supremacy'.

Another important insight arising from the early feminist works was that, as well as being an expected result of power differentials, sexual violence serves to 'maintain the status quo…women have some level of consciousness about the fear of sexual assault [and] this serves to restrict and constrain their behaviours' (Griffin, 1971 cited in Ward, 1995: 22), and forces women to look to the 'trustworthy' 'non-raping' men in their lives for protection: 'all the sane men must protect 'their' women from the few insane ones, and women without men must watch out' (Russell, 1975:260).

Criticising inadequate definitions of rape and responses prejudicial to the rights of victims, writers such as Brownmiller and Russell were responsible for many of the legal changes of the 1980s – for example the acknowledgement that husbands could rape their wives[3]. Brownmiller (1975) notes that historically, rape laws had been passed to protect virginity, with more concern for the man whose daughter or wife had been damaged by rape than for the victim herself – thus, women were viewed as commodities whose value, resting as it did in their reproductive abilities and reputation, may be compromised by an act of rape. These historical factors have led to the framing of rape in relation to sexual access and male ownership of females: 'women are seen as property, and female sexuality…a commodity to be used and enjoyed by men [and] this perspective is enshrined in…traditional rape legislation' (Ward, 1995:23).

The assertion that rape is a crime of violence and not sexuality is not endorsed by all feminist theorists working in the area. MacKinnon (1987) claims that, in a culture where violence on the part of men towards women has become a normal and acceptable part of sexuality, the distinction between rape and intercourse is not satisfactory. A sharp distinction between the two, she claims, has been present only in the 'objective' viewpoint of men; 'what women experience does not so clearly distinguish the normal, everyday things from those abuses from which they have been defined by distinction' (MacKinnon, 1987:86).

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[3] Though in the UK the law recognising rape within marriage did not come into effect until 1994, this happened earlier elsewhere, e.g. 1984 in New Zealand (Jordan, 2004).

2.3 Rape Supportive Culture & Victim- Blaming

It has been widely noted that social reactions to rape victims' experiences are so hostile that Western cultures can be described as tolerant or even supportive of rape. Anderson & Doherty (2008) present evidence to suggest that social and cultural support for rape is realised through, and integrated into, all levels of the social structure. While police and judicial responses to rape are discussed in later sections, it is also important to bear in mind that victims frequently engage in self-blame, arguably as a result of the judgmental social reactions they encounter.

Burt & Estep (1981, in Anderson & Doherty, 2008) discuss three central and pervasive arguments that are routinely offered to challenge and deny claims of sexual violence, all of which rely on a range of cultural assumptions. Firstly, challenges are often made on the basis that the alleged victim was 'too naive or stupid to appreciate that normative heterosexual encounters are 'adversarial'' (2008:6). This argument relates to stereotypes of male sexuality as active and even aggressive, and of female sexuality as submissive: the skewed belief that 'the female must be (and will expect to be) 'coaxed'...by force if necessary' (Anderson & Doherty, 2008:6). Thus, there is a clear relationship between these arguments and the stereotypical expectations of 'acceptable' 'feminine' behaviour (see discussion of Skeggs, 1997; 2005, below).

The second set of arguments identified by Burt & Estep relate to the prevalent attitude that, even in those cases where it is acknowledged coerced sex took place, the significance of the act is minimised either by the downplaying of the harm inflicted on the victim, or by virtue of the victim's behaviour or characteristics. This argument is illustrated in a recent case in which the CPS presented no evidence and a judge recommended to a jury that they return a 'Not Guilty' verdict in a case of gang rape when it was revealed that the claimant had previously indicated an interest in group sex via an instant messaging service[4]. The distinction between a woman's fantasies within the context of consensual sexual activity and any subsequent experience of a non-consensual violent act thus remains largely unacknowledged by social agencies and, arguably, by society as a whole.

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[4] http://news.bbc.co.uk/1/hi/england/manchester/8455161.stm

The third and final argument that Burt & Estep identify as a means of explaining sexual violence is the ideologically facilitated tendency to place responsibility firmly at the feet of the victim. As Anderson & Doherty note, this is achieved by 'insisting that an alleged victim either provoked the attack or was somehow reckless in his/her behaviour, and is thus blameworthy in failing to prevent the attack...constructions of the victim as either provocative in appearance or reckless in behaviour are at the centrepiece [sic] of such arguments' (2008:8).

Lea (2007) investigates the attribution of responsibility to the victim in the discourse of convicted sex offenders and the professionals who work with them, finding that both groups constructed accounts that placed responsibility with the victim on the basis of her physical attractiveness. Furthermore, it is evident from the accounts that professionals, as well as offenders, construct rape as a crime of desire. It is in this way that Lea claims 'dominant notions about rape are perpetuated and maintained' (2007:508). It is worth noting here that much of the responsibility attributed to victims relies heavily on ingrained notions of acceptable gender behaviour. Skeggs (1997) explores the notions of femininity and respectability, noting that the feminine ideal emerged in the eighteenth century and continued to be reproduced throughout the nineteenth: 'the femininity produced had an affinity with the habitus of the upper classes, of ease, restraint, calm and luxorious decoration...the concept of 'lady'...equated conduct with appearance' (1997:99). This kind of femininity, she argues, 'was always coded as respectable' (1997:99). Important points to take from Skeggs' work are the traditional distinction between the 'feminine' and the 'sexual', and that 'to become respectable means displaying femininity through appearance *and* conduct' (1997:102, original emphasis). A specific example of perceived flouting of gendered expectations within the UK context, as discussed by Skeggs, is women's 'binge' drinking, which 'has been highlighted as a significant threat, not only to the state of the nation, but also to [them]sel[ves]' (2005:967). Moore (2009), focussing on reports of drug facilitated sexual assault in the British media, highlights how these reports are instrumental in creating a culture of fear, and function to constrain the behaviour of young women: 'entire newspaper articles are directed towards warning us that we might become victims' (Moore, 2009:315). Thus, women who are 'negligent' or who violate the expectations of 'respectable' behaviour befitting their gender are portrayed as being in some way deserving of what befalls them.

Inevitably, with victim-blaming comes perpetrator-exoneration (Anderson & Doherty, 2008). Coates & Wade (2004) examine a corpus of sexual assault trial judgements, and identify several categories of explanation that are routinely given for offenders' behaviour, including drug and alcohol abuse, psychopathology and loss of control, among others. Explaining the actions of perpetrators of sexual violence in this way, they note, conceals violence and mitigates perpetrators' responsibility, as well as blaming or pathologizing victims. In light of the respective expectations of the genders in terms of how their sexuality 'should' be realised, as discussed above, an alleged perpetrator's behaviour is often treated as unproblematic, in that his actions are construed as part of 'normal' heterosexual behaviour (Anderson & Doherty, 2008).

The arguments described here, which attribute responsibility to victims, alleviate perpetrator responsibility, and serve to trivialise the experiences of victims of rape, constitute part of what has been termed 'rape mythology'. Mythology, as defined by Anderson & Doherty (2008), refers to these types of argument, entirely unsupported by empirical evidence. Burt (1980) provides a thorough description of popular rape myths, including but not limited to the following: only 'bad' girls get raped; any healthy woman can resist a rapist if she really wants to; women ask for it; women cry rape only when they've been jilted or have something to cover up; rapists are sex-starved, or insane, or both. Such assumptions have been shown to have implications for attributing responsibility to victims in hypothetical rape scenarios, with rape myths providing 'a 'common sense' resource for making sense of rape incidents' (Anderson, 1999:389). In fact, attribution of blame to the victim is so commonplace that 'research has focused not upon whether it occurs, but on what factors are associated with such attributions' (Lea, 2007:495). Lea lists several factors that have been shown to contribute to victim-blaming, including victim's dress, physical attractiveness, previous sexual history, level of intoxication, level of resistance and relationship to the perpetrator (2007:496). As recently as 2005, a survey conducted on behalf of Amnesty International UK revealed that 30% of respondents believed that being drunk makes a woman in some way responsible for being raped; over a third thought behaving flirtatiously makes a woman partially or totally responsible; and over a quarter thought wearing 'sexy or revealing' clothing makes a woman partially or

totally responsible for being raped (Amnesty International UK, 2005). Perhaps of even more concern, the findings of more recent research conducted on behalf of The Havens Sexual Assault Referral Centres (Opinion Matters, 2010) suggest that women are even more likely to attribute responsibility to victims of rape, with 23% believing a person should accept responsibility for being raped if they danced 'in a sexy way with a man at a night club or bar' as compared to 19% of men; 35% believing the same if the victim went back to the perpetrator's home for a drink as compared to 19% of men; and 71% believing the same if a person got into bed with the perpetrator as compared to 57% of men (Opinion Matters, 2010:9). .

The mythology discussed in this section has been shown to be pervasive in the accounts of laypeople and professionals alike. The next section moves on to examine its impact within the context of the treatment of rape victims by the legal system.

2.4 The Judicial Treatment of Rape

The treatment of rape claimants by the justice system has given rise to the terming of their experiences therein variously as 'rape of the second kind' (Matoesian, 1993), 'secondary rape' (Anderson & Doherty, 2008), or 'judicial rape' (Lees, 1993). It has been widely noted that victims are likely to feel that it is they, and not the perpetrator, who is on trial (e.g. Lees, 2002), which has led to many victims reporting that their experiences within the justice system were worse than the rape itself (Raitt & Zeedyk, 2000, cited in Anderson & Doherty, 2008). Steps have been taken to address this – notably the introduction of so-called 'rape shield laws', such as the prohibition of the introduction of a victim's sexual history in evidence without prior application to the judge (YCJEA, 1999: S. 41). However, it has repeatedly been established that cross-examiners often circumnavigate such requirements, relying on subtle processes of implication rather than explicit questions around sexual experience, and frequently applying for permission from the judge with the sole intention of discrediting the victim (Anderson & Doherty, 2008). In a process reflective of the rape mythology discussed in the previous section, even in those cases where it is established that consent was not given victims are 'still confronted with a routine defence strategy...on the one hand, to discredit the victim...and on the other hand to, to establish the 'good character' of the perpetrator' (Anderson & Doherty, 2008:19).

MacKinnon (1987) takes the treatment of sexual violence in the legal system as her main focus, arguing that the blurred line between consensual intercourse and rape is at the root of the problem. Establishing force and resistance becomes paramount in defining the event as rape as opposed to intercourse – but as she rightly questions, who sets this standard? She points out that the legal definition of rape is centred around penetration which, she claims, is a male point of view on what it is to be sexually violated: 'rape is defined according to what *men think* violates women' (1987:87, my emphasis). Further to this point she emphasises the importance of the power differential in ascertaining the quality of consent – even when explicit verbal consent has been given, she claims, it is given in a context of unequal power relations between the genders, and is therefore flawed (see Moore & Reynolds, 2004, for more about perspectives on consent). Since in legal terms it is the presence or absence of consent that distinguishes rape from sex, and yet consent has become an ambiguous concept, the law relies on the relationship between perpetrator and victim to establish whether consent was given. Thus, claims MacKinnon, sexual violence is in fact condoned by the legal system, as reflected in the high attrition and low conviction rates: 'the state fails to intervene against sexual violence' (MacKinnon, 1987, cited in Matoesian, 1993:13).

In focussing on the law as an institution that embodies patriarchal standards and values, Matoesian (1993) finds it useful to consider cases in which the legal system *does* intervene. Briefly summarised, he cites the following criteria that are likely to improve the chances of a conviction being secured: stranger rapes; the use of extrinsic force; a lack of reference to the victim's previous sexual history; virginity; and the absence of intoxicating substance use or other behaviour violating traditional female gender role behaviour. Furthermore, like MacKinnon, he highlights the common practice of distinguishing consent according to patriarchal standards; once again noting that 'females' experience of violation is disqualified, since male hegemonic ideology is institutionalized…into the very structure of the legal system' (1993:16).

With the main components of ideologies around sexual violence and their impact on the treatment of rape victims by the Courts now covered, the next section moves on to

explore their implications for the experiences of victims within what is usually the first agency they encounter should they choose to report – the Police service.

2.5 Police Culture & Rape

The culture associated with the police as an institution has long been observed to be an overtly masculine one: 'masculinity has historically held the prime position and is deferred to and understood' (Young, 1991:192), with some going so far as to describe police culture as 'an almost pure form of hegemonic masculinity' (Fielding, 1994:7). As such, accusations of misogyny have often been levelled at the police institution, where displays of stereotypically masculine behaviour are expected, both by colleagues and the public at large (Page, 2008). The implications of this for women reporting rape are far-reaching. Research suggests that acceptance of rape myths is widespread among officers (Page, 2008), to no lesser extent than among society in general. In fact, many studies have suggested that the police hold more negative views of victims than other professionals (e.g. Lee & Cheung, 1991, in Anderson & Doherty, 2008). Such myth acceptance can only have a negative impact on victim treatment: already traumatised by the attack, the victim often suffers further injury when faced with judgement and/or disbelief at the hands of the police. As Gregory & Lees point out, 'the police stand accused of employing harsh methods of interrogation on women reporting such attacks, on the assumption that they might be making false allegations' (1999:4). It seems inevitable that this scepticism will affect the way in which reported rapes are investigated, and, more specifically, the way in which victims are questioned.

The public outcry that resulted from the BBC TV Panorama screening of the fly-on-the wall documentary *A Complaint of Rape* in 1982, which showed Thames Valley Police's 'insensitive and brutal interrogation of a traumatised [rape] victim' (Jordan, 2004:59), led to a Home Office circular recommending that rape victims be treated with tact and sensitivity, and that medical examinations take place in a clinical environment soon after the rape, with a female doctor where possible. Initiatives introduced since the early 1990s, such as specially designed training courses for officers who deal with rape claimants and the provision of medical examination suites, have been shown to improve the experiences of individuals who decide to

report (Gregory & Lees, 1999). However, Gregory & Lees' research revealed that just under half of their sample of rape victims were dissatisfied with their treatment by the police, citing inefficient responses, a feeling that their reports were not believed, and unsympathetic lines of questioning as reasons for their dissatisfaction. More recent government-initiated research conducted since has also noted that there may still be a long way to go. The 2007 joint thematic report by Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary noted that, among other things, strategies for interviewing victims were often under developed; greater consideration needed to be given to the timing of interviews to ensure that victims' needs and the needs of the investigation were properly balanced; and video recording of interviews with victims had developed in an unstructured way. The report concluded that the procedures for taking a victim's statement in rape cases required to be 'revisited as a matter of urgency' (HMCPSI/HMIC, 2007:82).

The Stern Review presented feedback from police officers suggesting that the target-driven nature of their work leads to 'the effective cherry-picking of complainants... police perception of good cases or "runners"' (Stern, 2010:57). Thus, the characteristics of the reported offence are crucial in the police's decision of what to pass on to the CPS and what to file as 'undetected'. Furthermore it was noted that there is little consistency in the way different Forces deal with reported rapes.

As well as the recommendations for improvement that were made in the Home Office Circular, the 1980s saw the establishment of the first Sexual Assault Referral Centre (SARC), in response to 'serious shortcomings in the medico-legal response to recent rape' (Lovett, Regan & Kelly, 2004:vii). There are now twenty nine across England and Wales, with a further nine in development (Home Office, 2010). Described as 'a 'one stop' location where victims of sexual assault can receive medical care and counselling whilst at the same time having the opportunity to assist the Police investigation into alleged offences, including the facilities for a high standard of forensic examination' (Home Office, 2010:1), SARCs allow for the collection of evidence with no requirement to report to the police. Steps have also been taken to provide extra training for police officers who deal with individuals reporting sexual offences, leading to the provision of Sexual Offences Liaison Officers (SOLOs) in forces across the UK.

It has been suggested that an over-estimation of the scale of false allegations by both police officers and prosecutors feeds into a culture of scepticism, leading to poor communication and loss of confidence between victims and the police (Kelly, Lovett & Regan, 2005). As well as being a possible explanatory factor for the high attrition rate, this over-estimation has led 22% of women who have reported a rape to the police to report that they were 'very dissatisfied' with the way the police handled the matter (Myhill & Allen, 2002). In addition, women's fear of treatment by the police has been shown to be one of the two major causes of non-reporting, the other being a a feeling that nothing can be done (Jordan, 2004). Research conducted by Clark & Lewis (in Stanko, 1985), discovered that cases that progressed anywhere always displayed one or more of the following:

1. The victim is a credible witness: likely to be believed, conforms to established norms of respectable and acceptable female behaviour.
2. The facts of the case are so strong that prosecution is inevitable – e.g. the victim was severely beaten.
3. The police can actively pursue the case – the victim knows the name/address/place of employment of the perpetrator (however, there are parallel *dis*advantages when a victim knows her attacker, because of assumptions about male/female familiarity).
4. The police perceive strong similarities between the case in question and other cases currently under investigation.

It is easy to see how a substantial proportion of reported rapes, at the time of this research, fell by the wayside, on account of not conforming to any of these conditions – the effect of (3), however, is somewhat unpredictable, and the precise *nature* of the relationship between victim and perpetrator is all-important in determining the effect of the familiarity on the police's actions. Stranger rapes, while representing 55% of those rapes reported to the police, account for only 8% of total rapes, with the overwhelming majority of rapes committed by current partners (Myhill & Allen, 2002).

Their personal views aside, the police's zealousness in establishing whether the report conforms to any of these unofficial criteria (and hence whether it is likely to bring them rewards in the form of a conviction), is often, understandably, perceived as hostility. More recently, research has suggested that negative attitudes towards victims who do not conform to the stereotypical victim characteristics prevail among police officers, in particular those with lower levels of educational attainment (Page, 2008). It has also been demonstrated that the police may cause the revictimization of rape victims through 'victim-blaming questions', such as those relating to clothing, use of alcohol or drugs, appropriate resistance, prior sexual encounters with the suspect, and whether she 'led him on' (Maier, 2008).

At the present time, police are permitted to 'No Crime' a reported rape for one of four reasons: additional verifiable information becomes available that indicates that no offence took place; the crime is recorded in error; the offence took place in another force area; or the crime, as alleged, constitutes part of a crime already recorded (Feist, Ashe, Lawrence, McPhee & Wilson, 2007). It is of some concern that recent Home Office research has identified that 86% of 'No Crimed' incidents were so 'because verifiable information had become available that no crime took place', as there seems to be some inconsistency as to what constitutes 'verifiable information'. There are many reasons why it can be established that a reported rape did not take place, other than a false allegation (HMCPSI/HMIC, 2007). Metropolitan Police guidelines issued in 1995 state that such classification should only occur when either the victim makes a statement claiming that the allegation is false, forensic evidence or an independent witness's account substantially contradicts the victim's, or there is substantial evidence that the victim is suffering from delusions. However, Gregory & Lees found that even these revised guidelines were likely to 'contain too many loopholes to address the problem of high rates of 'no criming'' (1999:66). A further problem identified by Gregory & Lees was the downgrading of undetected rapes and attempted rapes to lesser offences such as indecent assault or actual bodily harm – 'if the crime is not cleared up, it looks better in the statistics if it is a less serious crime' (1999:68).

The HMCPSI/HMIC report found that 23.8% (a total of 179) of their sample of reported rapes had been 'no-crimed'. The majority of these were found to have been assigned as such in compliance with Home Office Counting Rules (HOCR) (initial

report made by a third party and subsequently denied by affected individual; complainant unable to provide an effective account due to influence of drugs or alcohol; evidence from CCTV or forensic examination that no crime had taken place, etc.). However, around 32% of the 179 had been classified as 'no crime's illegitimately. Justifications for this included insufficient evidence (for example, where the only issue was consent), and treatment of a complaint as false based on the victim's credibility being called into question. A number of allegations were retracted by the victim, but in circumstances that gave good reason to doubt the retraction (e.g. domestic violence).

The factors detailed above are fundamental to any examination of police response as an explanatory factor for attrition – 'the contempt expressed by police toward the woman who 'falsely' complains about rape spills over into their questioning of all rape complainants' (Stanko, 1985:119). Such a negative response, claims Jordan, 'can compound the trauma suffered by a rape victim, making it less likely that she will proceed with legal action, and a strong possibility that her experience will deter others from even making the initial police contact' (2004:58). More recently, research participants have cited a fear of being 'demoralised by the police' and doubts about whether they would be taken seriously as factors that would prevent them from reporting a rape to the police (Opinion Matters, 2010:6). Thus, police response may be instrumental in both the high attrition *and* low reporting rates for rape.

It has been suggested, therefore, that examining police response 'may be the most crucial link in the chain to ensure fair treatment for rape victims…the quality of [the victim's] contact with the police officer may color her perception of the entire prosecution process' (Goodstein & Lutze, cited in Jordan, 2004:58). There is thus a rationale here for the current research's focus on the police investigation as an (at least partial) explanation for the imbalance in justice achieved for rape victims as compared to victims of other crimes. The next section develops this basis by examining the changes in investigative practice, specifically interviewing, in the UK Police Service over the last twenty-five years.

2.6 The Police Interview: Legislation and Training

The models of interviewing in use by UK Police forces over the past twenty-five years arose indirectly as a result of the Police and Criminal Evidence Act (PACE) of 1984. In response to several high-profile miscarriages of justice involving the intimidation of suspects and fabrication of confessions, PACE had set out to eliminate such practices by providing regulation of police interview practice, including the legislation of compulsory tape recording of all suspect interviews. Research conducted by Baldwin (1992) found that in spite of the Act, the lack of any co-ordinated training and assessment of interviewing officers meant that the quality of interviews with both suspects and witnesses continued to be of a poor standard: researchers identified weaknesses which included a lack of preparation, repetitiveness, persistent questioning and, in the case of suspects, an assumption of guilt (Milne, Shaw & Bull, 2007).

Baldwin's findings led to a national review of investigative interviewing by the Home Office, resulting in the nation-wide rolling out, in consultation with forensic psychologists, of the PEACE model as a basis for training interviewing officers in 1993. A mnemonic for the recommended structure of any interview, PEACE stands for *Plan & Prepare, Engage & Explain, obtain an Account, Closure* and *Evaluation.* The initial PEACE training package, designed to outline key techniques deemed appropriate for investigative interviewing, lasted five days, four of which focussed on methods of interviewing suspects, with witness interviews covered in just one day of the course. Part of the training consisted of developing skills in psychologically-informed strategies for interviewing – Conversation Management (CM) for uncooperative interviewees (generally suspects), as developed by Shepherd (2007), and the Cognitive Interview (CI) for cooperative interviewees (generally victims and witnesses), as developed by Fisher & Geiselman (1992). The implementation of PEACE led to a significant decrease in the number of miscarriages of justice occurring as a result of poorly conducted suspect interviews – but interviews with victims and witnesses remained flawed, on the grounds that many officers assumed that the interviewing of a co-operative and competent adult witness required little specialist skill. Hence, there remained the risk of miscarriages occurring, now on the basis of poorly conducted interviews with victims and witnesses (Savage & Milne, 2007).

Designed to maximise the amount of detail recalled, the CI allows 'the interviewee to remember in their own way and at their own pace…it utilises unbiased memory enhancing tools or mnemonics in an attempt to retrieve the maximum quality and quantity of information from an interviewee' (Milne, Shaw & Bull, 2007:69). The original CI consisted of four main instructions to be delivered to the interviewee in whatever combination was thought appropriate:

i)   Report everything

ii)   Mentally re-instate context

iii) Recall events in a variety of different temporal orders

iv)   Change perspective

The CI was later updated to become the Enhanced Cognitive Interview (ECI) (Milne & Bull, 1999), which comprises the original CI elements along with additional techniques designed to address matters of interpersonal communication (Milne & Bull, 1999), including a focus on transferring control to the interviewee (Home Office, 2007). The phases of the ECI are outlined in Table 1.

Table 1: Phases of the ECI (based on Milne & Bull, 1999)

Phase 1	Greet and personalise the interviewee and establish rapport
Phase 2	Explain the aims of the interview ■ Focused retrieval; concentrate hard ■ Report everything ■ Transfer control
Phase 3	Initiate a free report ■ Context reinstatement
Phase 4	Questioning ■ Report everything ■ Interviewee-compatible questioning ■ OK to say 'don't know' ■ Activate and probe image ■ Open and appropriate closed questions
Phase 5	Varied and extensive retrieval ■ Change the temporal order ■ Change perspectives ■ Focus on all senses
Phase 6	Investigatively important questions

Phase 7	Summary
Phase 8	Closure
Phase 9	Evaluation

Around the same time as PEACE, further government guidance had been issued, with the input of child psychologists, on the interviewing of child witnesses in criminal cases. Following similar lines to PEACE, the Memorandum of Good Practice for Video Interviews with Child Witnesses for Criminal Proceedings (MEMO), later replaced by Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable and Intimidated Witnesses, Including Children (ABE), also recommended a phased approach to interviewing.

It is from PEACE and ABE that a new package, designed specifically for the interviewing of 'significant witnesses', using the ECI model, was developed and rolled out following ACPO recommendations in 2002. A significant witness is defined as any witness who:

- Has or claims to have witnessed, visually or otherwise, an indictable offence, part of such an offence or events closely connected with it (including any incriminating comments made by the suspected offender either before or after the offence).
- Stands in a particular relationship to the victim or has a central position in an investigation into an indictable offence.

(Crown Prosecution Service, 2007)

The significant witness training package is offered to officers at PIP Level 2, that is those officers dealing with 'serious and complex investigations' (NPIA, 2009) and lasts five days. Currently, two days of the training are provided by senior officers, with a third provided by a psychologist. The final two days are spent applying the acquired knowledge to practical tasks and peer assessment.

What is perhaps most significant about this model of interviewing is the emphasis placed on allowing the witness maximum control of the interaction. Traditionally witnesses were often interrupted with excessive questioning, which tended to reduce the amount of information obtained and furthermore taint the witnesses' account with

the interviewer's version of events: 'while officers began interviews by asking victims and witnesses…for their version of events, this was usually interrupted by the interviewer asking too many questions' (Milne, Shaw & Bull, 2007:68). It is now acknowledged that the fewer questions asked, and the less the interviewer contributes, the higher the quality of the interview. The emphasis previously placed on obtaining a written statement presented further difficulties, with interviewers obtaining less information when attempting to simultaneously ask questions and convert answers into written form.

These difficulties are perhaps best highlighted by Rock (2001), who, having compared an audio recording of a statement-taking session with the final witness statement, concludes that the final draft will represent a series of negotiations between the witness' desire to give a full account of what happened, and the interviewer's desire to define the crime. Conflicting ideas about the relevance of particular details, Rock explains, may lead to these details being lost in negotiation. Furthermore, the witness' level of certainty about particular details may not be noted, and contradictory claims may be overlooked. Consequently, Rock recommends the tape-recording of statement-taking sessions, to enable officers to conduct more detailed and thorough investigations. This recommendation echoes that made by Kendall, McElroy & Dale, who emphasise the weaknesses of witness statements, dogged by problems including 'the recall of a traumatized witness, the methods used by interviewers to aid recall and the methods used to record those recollections' (1999:3). This point is particularly salient in the rape context, given the increased levels of anxiety in the interviewee and the likelihood that this anxiety can lead to inarticulate recounting of a traumatic incident (Amir, Stafford, Freshman & Foa, 1998).

It is the weaknesses in investigative interviewing of suspects and witnesses identified by research up to this point that form the focal point of interest for the International Investigative Interviewing Research Group (iIIRG), set up in 2007. Seeking to bring together academics and practitioners working in the area of investigative interviewing, its aims are to foster stronger links between research and practice, ensuring practice is informed by research, and to ensure that research takes into account the realities of interviewing as experienced by professionals on a day-to-day basis. With current interviewing guidelines informed in the most part by behavioural and cognitive

psychology (see discussion above), the establishment of iIIRG has paved the way for research in other fields – such as linguistics and discourse analysis – to play a role in influencing police practice. It has also provided a welcome forum for academics, historically faced with all manner of obstacles in their pursuit of authentic police interview data, to make contact with well-placed professionals who recognise the benefits of independent research. The iIIRG has thus instigated a new wave of interviewing research, to which the current study aims to contribute.

Significant witness guidelines recommend the video taping of interviews, although there is no statutory provision for the recordings to stand in as the victim's evidence-in-chief (Home Office, 2007). Many forces simply compile a written statement from the recording. As touched upon in Chapter 1, the psychologists whose input has been crucial in formulating the new training programmes consistently recommend that written statements be rejected completely, in favour of using the video as evidence-in-chief at trial. Despite the enthusiasm of newly trained Detective Constables, interviews[5] conducted with them in preparation for the current study reveal that their Inspectors, the CPS, and barristers are, for the most part, hostile to such recommendations. It is expected to be some time before such a dramatic change in procedure becomes a reality and the written statement, already established as deficient both in terms of how it is arrived at and the information it provides, is finally abandoned.

Another important issue to arise from these preliminary interviews was the resources officers draw on in assessing the genuineness of rape claims. The obvious parallels between their explanations and pervasive rape mythology as discussed earlier are one reason that a critical approach has been adopted in the current study. This is expanded upon in the following sections.

2.7 Critical Discourse Analysis (CDA)

'Biased – and proud of it' (van Dijk, 2001: 96), Critical Discourse Analysis (CDA) is an interdisciplinary approach to text and talk which 'aims to investigate critically

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[5] The author conducted informal interviews with a number of officers during and shortly after their SWI training.

social inequality as it is expressed, signalled, constituted and legitimized' (Wodak, 2001:2). It insists that 'all representation is mediated, moulded by the value systems that are ingrained in the medium used for representation; [CDA] challenges common sense by pointing out that something could have been represented some other way, with a very different significance' (Fowler, 1996:4). Influenced by the functional approach to language (Halliday, 1985) and the social theory of Western Marxism (Gramsci, 1971; Foucault, 1972) CDA takes as its basis the idea that there is an imbalance in the access members of a society have to social, and specifically linguistic, resources; that these resources are controlled by social institutions; and that restricting access to the resources both produces and maintains patterns of social inequality. As such, CDA commits itself to the exposure of these patterns, and 'wherever possible, it does so from a perspective that is consistent with the best interests of dominated groups' (van Dijk, 2001). Before discussing some of the most well established critical approaches to discourse, it is helpful at this stage to define some key terms.

2.7.1 Institutional Discourse, Power & Ideology

Although classifying an example of discourse as 'institutional' is arguably a straightforward matter, isolating those elements necessary for defining it as such is somewhat more complex. For the purposes of this study, the following definition will be adopted:

> '. . . institutional discourse can perhaps be best described as a form
> of interaction in which the relationship between a participant's
> current institutional role (that is, interviewer, caller to a phone-
> in programme or school teacher) and their current discursive
> role (for example, questioner, answerer or opinion giver)
> emerges as a local phenomenon which shapes the organisation
> and trajectory of the talk.'
>
> Thornborrow, 2002:5

In other words, an interaction in which we can observe that a person's local role as 'questioner' is affected by their wider role as 'police officer' can safely be labelled as 'institutional discourse'. Language is viewed by many as being an integral part of the 'work' of social organizations, it being 'the principal means through which lay

persons pursue various practical goals and the central medium through which the daily working activities…are conducted' (Drew & Heritage, 1992:3). A recurrent theme in studies of institutional discourse has been a focus on how the unequal distribution of power among the participants, typical of such settings, is manifested (Newbury & Johnson, 2006). Thus, power is another term requiring explanation here.

The concept of power has proved problematic, with many competing views as to where it is located, what it consists of and how it is best analysed. According to Thornborrow, power is 'a set of resources and actions which are available to speakers and which can be used more or less successfully depending on who the speakers are and what kind of speech situation they are in' (2002:8). Fairclough conceptualizes power 'both in terms of asymmetries between participants in discourse events, and in terms of unequal capacity to control how texts are produced, distributed and consumed…in particular sociocultural contexts' (1995:1-2). Wodak draws her definition from Foucault (1977), Bourdieu (1991) and van Dijk (1985), interpreting it as 'discursive control [including] who has access to the various types of discourse, who can and cannot talk to whom, in which situations, and about what. The more powerful the people, the larger their verbal possibilities in discourse become.' (1996:66). For current purposes then, power can be seen to operate at the local level (as a synonym for 'interactional control'), and in the broader context of the police institution's social role.

It is crucial to keep in mind that power goes beyond a simple process of domination from above. Rather, it can be seen to be jointly produced by participants, since the powerless are 'led to believe that dominance is legitimate in some way or other' (Simpson & Mayr, 2009: 2). Thus, as well as the more traditional conceptualisation of 'power by dominance', the notion of 'power by consent', or what Gramsci (1971) terms 'hegemony', is also relevant to this study. Hegemony is a process by which subordinate groups accept the status quo to be universally beneficial, when in fact it benefits only the dominant groups, and a central concern of CDA has been the ways in which discourse constructs these hegemonic values and attitudes as 'natural' and 'commonsensical' (Simpson & Mayr, 2009). It is through these constructions of legitimacy that the powerful groups are able to maintain their position.

Ideology has been defined as 'the ways in which a person's beliefs, opinions and value-systems intersect with the broader social and political structures of the society in which they live' (Simpson & Mayr, 2009:4). As an important aspect of creating and maintaining unequal power relations, ideology is a central concern of critical discourse analysts, who take a 'particular interest in the ways in which language mediates ideology in a variety of social institutions' (Wodak, 2001:10). Wodak goes on to note that although there are different conceptualisations of ideology among theorists, critical approaches to discourse are united by a common aim to not only describe and explain linguistic phenomena, 'but also to root out a particular kind of delusion...to create awareness in agents of how they are deceived about their own needs and interests' (2001:10). The next section moves on to describe how critical approaches set about achieving this.

2.7.2 Critical Approaches to Discourse

Rather than being a methodological approach or framework in itself, CDA is something of an umbrella term, covering a multitude of approaches that have been developed by critical analysts, including, among others, the discourse-historical approach (Wodak, 2001), socio-cognitive discourse analysis (van Dijk, 2001), textually oriented discourse analysis (Fairclough, 1995) and analysis of representation as exemplified by the work of van Leeuwen (1996). Furthermore, a variety of existing methods of analysis have been employed in CDA research: while many draw to some extent on a systemic functional grammar framework, it has been known for other types of analysis, for example Conversation Analysis (CA) to form the basis for subsequent macro-level critique (e.g. Heydon, 2005; Matoesian, 1993; Mayr, 2004). In fact, van Dijk (2001:96) argues that CDA can be 'combined with any approach and sub-discipline in the humanities and the social sciences'. The opportunity will be taken here to outline some of the approaches that have been taken to the critical analysis of discourse.

Fairclough's (1992) three-dimensional model of analysis proposes that a critical analysis needs to begin at the level of *text,* with a *description* of the linguistic phenomena therein. Analyses of vocabulary, transitivity, modality, metaphor, turn-taking, etc. may form part of this initial stage. The second level of the framework is an *interpretation* of these linguistic patterns at the level of *discourse process*. Here,

consideration must be given to who produced the text, for whom, and for what purpose, and also to intertextuality and interdiscursivity, i.e., the text's relationship with other texts, and other types of text. For example, many types of public discourse have been shown to incorporate features characteristic of informal conversation, leading to what Fairclough (1992) has labelled 'conversationalisation'. A related concept is what he calls 'synthetic personalisation' (Fairclough, 1989), which he defines as 'a compensatory tendency to give the impression of treating each of the people 'handled' *en masse* as an individual' (1989:52). The third and final dimension of Fairclough's framework is the *explanation* of the relationship between these discourse processes and the *social context* within which they are produced, and it is this level that sets CDA apart from 'mainstream' linguistic analysis. At the level of social practice, ideological struggles and power inequality become crucial for explaining why a text or stretch of talk is how it is. A successful critical discourse analysis will reveal the ideological assumptions and power imbalances that have shaped a text's creation. Fairclough (1989) describes the stages of applying such a CDA framework as follows:

- Focus on a social problem which has a semiotic aspect.
- Identify obstacles to it [the problem] being tackled, through analysis of
    a) the network of practices it is located within
    b) the relationship of semiosis to other elements within the particular practice(s) concerned
    c) the discourse (the semiosis itself)
- Consider whether the social order (network of practices) in a sense 'needs' the problem.
- Identify possible ways past the obstacles.
- Reflect critically on the analysis.

(Fairclough, 1989:125)

If we consider rape to be a social problem, and the existence of mythology as a 'common sense' resource drawn on to make sense of sexual violence as both a 'semiotic aspect' of the problem and an 'obstacle' to it being tackled, it is clear that the current study can productively be approached within a critical framework.

Fairclough talks of particular ideologies being naturalized – that is, becoming accepted as common sense, forming an 'orderliness', which, he claims, reproduces social power at the level of discourse.

Wodak (1996) takes a slightly different approach, talking of recurrent 'disorders of discourse' within institutions; clashes that occur as a result of differing expectations on the parts of members of institutions and the 'outsiders' that come into contact with those institutions. She describes these clashes as 'result[ing] from gaps between distinct and insufficiently coincident cognitive worlds: the gulfs that separate insiders from outsiders, members of institutions from clients of those institutions, and elites from the normal citizen uninitiated in the arcana of bureaucratic language…' (1996:2). For Wodak, occurrences of miscommunication arise as a result of interactions within institutional contexts becoming 'distorted by power' (1996:17). The result of these miscommunications might be described as a frame conflict or, in Wodak's terms, a 'disorder of discourse'. Since the current study concerns itself with the communicative interface between lay participants naïve to the practices of a given institution (interviewees) and representatives of that institution with clearly defined institutional roles (police officers), it is clear that an approach informed by Wodak's is apposite.

The fact that there is seemingly conflict between Fairclough's and Wodak's approaches, with one seeing discourse as *ordered* by power and the other seeing discourse as *disordered* by power (thus leading them to see the aim of critical discourse analysts to be either the destabilization or restoration of order respectively) (Pennycook, 2001), is not an insurmountable obstacle. As van Dijk claims, ' …good CDA should integrate the best work of many people…CDA should be essentially diverse and interdisciplinary' (2001: 95-96). Van Dijk (2001) further postulates that a worthwhile starting point for any piece of critical discourse research is an examination of both interactional control *and* content, and this is a key consideration in the current study. On this basis, elements of Fairclough's and Wodak's approaches to discourse are integrated along with the more micro-level approaches outlined in Chapter 3.

2.7.3 CDA & Rape

As already discussed, sexual violence has been identified by feminist scholars as a means of social control of women by men: '[rape] is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear' (Brownmiller, 1975:14-15). Furthermore, as also outlined earlier, it has been established by a number of researchers that mythology, or 'a second reality, imposed by the dominant groups' (Wodak, 1996:39) surrounding sexual violence provides a 'common-sense' resource which is relied upon to make sense of rape (Burt, 1980; Edward & MacLeod, 1999; Estrich, 1987), and that acceptance of such myths is still very much widespread (Amnesty International UK, 2005; Opinion Matters, 2010). It has been suggested (Norton & Grant, 2008) that the concept of rape myth would be better formulated as rape stereotype, on the grounds that there exists an advantage, in terms of attrition and conviction, to the victims of 'stereotypical' rapes as opposed to 'non stereotypical' rapes. While a myth would merely provide the resource for understanding rape, a stereotype takes this one step further by causing damaging effects to those whose experiences do not conform. Either way, the issue at hand involves a) the domination of one group by another and b) a well established ideology (or mythology, or set of stereotypes), so it is not surprising that many feminists researching in the area have seen fit to apply versions of CDA to their chosen data. As discussed earlier, data from police interviews with women reporting rape has not yet to the author's knowledge formed the basis of any large-scale research to-date. Fairclough (1995) and Thornborrow (1991; 2001) do provide short analyses of the 1982 BBC Panorama/Thames Valley Police recording mentioned earlier, and a discussion of these appears in this section. Also presented here are a selection of studies that have applied various versions of CDA to data gathered from media sources, courtroom discourse and legal judgements relating to rape.

Clark (1992) applies naming and transitivity analyses to a corpus of newspaper articles from *The Sun*[6] reporting on acts of sexual violence, focussing on the representation of victims, offenders and the attacks in question. Clark's findings suggest that the media choose from two options when it comes to naming a perpetrator of sexual violence: either to represent him as sub-human (*fiend, beast,*

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[6] A UK tabloid newspaper.

ripper, monster), or as socially normal. Where they have elected to portray him as sub-human, it is often found that the accompanying verbs will support this representation, as in the extracts below.

> *MONSTER <u>CAGED</u>*
>
> *DOUBLE MURDER MANIAC <u>PROWLS</u> CITY OF TERROR*

The naming of attackers in this way indicates the newspapers' view of them as 'alien, terrible and scandalous' (Clark 1992:184), and furthermore functions to perpetuate the myth (discussed earlier) that rape is a crime committed by a small minority of men who exist outside the boundaries of normality. Where a rapist is portrayed as socially 'normal' (e.g. details of their employment status, place of residence, etc. are presented *without* the use of sub-human names), it is clear that *The Sun* does not find his actions particularly shocking (and, consequently, neither should the reader). Clark further observes that where the offender has been labelled as sub-human, a different set of victim descriptions are likely to be applied than when the attacker is represented as 'normal'. Thus, Clark concludes that the distinctions found in the corpus have little to do with what is done, but who it is done to, as defined by *The Sun*. 'Sub-human' rapists attack 'unavailable' women; if the victim is constructed as somehow deserving of the attack, the attacker is presented as socially 'normal'. Further analysis revealed that blame, or lack of it, can also be encoded in transitivity choices, as illustrated in the following representations of the same statistic:

- In the UK **a man** rapes **a woman** every six minutes
- In the UK **a woman** is raped **by a man** every six minutes
- In the UK **a woman** is raped every six minutes

In the examples above the Agent 'a man' gradually becomes obscured, and the Affected 'a woman' gradually becomes more prominent. Nominalization is a further device that can be employed:

- In the UK a rape occurs every six minutes

This serves to obscure any responsibility even further. By obscuring the aggressive acts, claims Clark, 'it becomes impossible even to ask the vitally important question of why…so many men commit acts of violence against women' (1992:197).

Ehrlich's (2001) research, on data from a Canadian University tribunal and criminal trial, applies grammatical analysis to the contributions of the defendant and tribunal members in a case of rape. Through the use of a 'grammar of non-agency' (Ehrlich, 2001:36), the accused manages to (re)present his actions as consensual sex, with constructions such as:

> 'all our clothes at one point *were taken off'*
> 'as we were talking our pants *were undone'*
> 'my shirt *came off'*

Similarly, the tribunal members reformulate victims' contributions with the use of nominalisations, thus a complainant's utterance:

> 'At that point is when *he **grabbed** my hair and **wrapped** it around his hands and **pushed** my face down between his legs and **gave** me an ultimatum…'*

is reformulated as:

> '*so in fact was **the fellatio**, was that the last **act of sex** that was between the two of you before everything died down…'*

Further patterns observed by Ehrlich are implications that the victims' resistance was ineffectual:

> '…the men left the room on two different occasions…you and Melinda were in your room alone. *Uhm what might have been your option? I see an option. It may not have occurred to you but I simply want to explore that option with you…'*

'Did you try to push him off?'

'Why didn't you just get up?'

In these examples, particular assumptions are made about the account that has been provided by the witness: that she had 'options', for example, and that 'push[ing] him off' would be the preferred course of action. The final example, constructed as a negative 'why' question, indicates that the speaker finds something problematic about the witness' (in)action. It is in this way that Ehrlich claims that questions throughout proceedings do 'ideological work' (2001:62).

Coates, Bavelas & Gibson (1994), analysing the language of sexual assault trial judgements, uncovered five recurrent themes indexed by the judges' choice of vocabulary. Firstly, there was evidence of an erotic and/or affectionate characterisation of sexual assault – that is, the vocabulary used to describe an assault was better suited to consensual acts, such as 'engage in sexual intercourse' and 'fondling' (Coates *et al.*, 1994:192). Secondly, sexual assault was often distinguished from violence, with many judgements making reference to there having been 'no violence' or 'no physical force'. Thus, the judgements reveal an assumption that sexual assault is not violent behaviour (1994:194). Appropriate resistance by the victim was a third key theme, with references made to victims' ability to resist, and a lack of resistance often being cited as a reason for acquittal. As Coates *et al.* efficiently summarize, the language of appropriate resistance seems 'to be drawn from male-male combat between equals, where continued fighting is appropriate, rather than from asymmetrical situations…where physical resistance would lead to little chance of success and a high probability of further harm' (1994:195). The 'good character' of the offender is the fourth theme identified in the judgements. Despite most of their sample being drawn from convictions and guilty pleas, Coates *et al.* found many examples of the defendant being described in an overwhelmingly positive light. Often this contradiction was managed by presenting the act itself as an 'isolated incident'. The final pattern identified was (again) the grammatical omission of agency. Just as Ehrlich (2001) and Clark (1992) found in their respective data, nominalization was utilized in Coates *et al.*'s data as a device to obscure agency, for

example: 'there was an abuse of trust' and the incredibly marked 'there was advantage taken of a situation which presented itself' (1994:196).

Coates *et al.* describe the linguistic patterns observed in the judgements as 'anomalous', but are quick to point out that while they are inconsistent with the law and with the experiences of victims, 'they are well integrated into the texts in which they occur' (1994:197). The authors draw on the concept of 'interpretative repertoires' from discursive psychology to explain this. Described as 'a lexicon or register of terms and metaphors drawn upon to characterize and evaluate actions and events' (Potter & Wetherell, 1987:138), interpretive repertoires provide a linguistic resource for making sense of the world. Coates *et al.* suggest that the only repertoires available for evaluating sexual assault are violent stranger rape and consensual sex − and as they point out, neither repertoire represents an adequate fit for the majority of sexual assaults.

De Carvalho Figueiredo's (2002) analysis of English legal decisions on rape trials similarly reveals the ideological role of judges' discursive practices, and additionally emphasises the pedagogical role played by the discourse of the rulings. As well as aiming to deter and warn potential rapists from committing the offence, she claims, this pedagogy also functions to instruct victims, and women in general, about the dangers of going against social and sexual 'normality'. She illustrates how the discourse of appellate rulings reflects a binary view of women on the basis of their sexual behaviour − they are constructed either as genuine or non-genuine victims. Thus, the language reinforces the distinction between 'the forms of behaviour which guarantee social and legal protection, and those which lead to exposure and punishment' (2002: 262).

Fairclough (1995) provides one of very few examples to date of a critical approach to data from a police interview with a rape victim, drawing on the 1982 Thames Valley Police recording discussed earlier. He highlights, albeit briefly, the role of naturalized ideologies in the structure of the interaction, and the way in which coherence is based largely on this ideology, providing examples such as the one below (A = victim, B= officer).

A: why would I frighten you (indist.) only a little (indist.)

B: you   you just   it

doesn't matter…*you're female and you've probably got*

hell of a temper

This example demonstrates the commonsensical resources being relied upon by the officer. In order for these two turns to be heard as a legitimate question-answer sequence, we must accept the implicit proposition that women are prone to being bad tempered, with the further implicit proposition that people with bad tempers are frightening to others (1995:30).

Fairclough provides further detail of the 'Background Knowledge' that is assumed by officers and would need to be accepted to make sense of their contributions. These include the assumption that fear can be read off from behavioural symptoms, as evidenced in the extract below (C is a second interviewing officer):

C: …I would go so far as to say...that you went to that house
willingly...there's no struggle…you could have run away
quite easily

The above example suggests that 'struggl[ing]' and 'run[ning] away' are the actions of a frightened person; she did neither of these things; therefore she was not frightened. It is further taken as given that people have or do not have capacities for particular behaviour irrespective of changes in situation:

C: …you're well known…in Reading…to the uniformed…lads for
being a nuisance in the streets shouting and bawling […]
so…what's to stop you…shouting and screaming in the
street…when you think you're going to get raped…

The extract above demonstrates the taken-for-granted status of the idea that, if someone is capable of 'shouting and bawling' on one occasion, they are capable of the same behaviour on any other given occasion. Fairclough also identifies that in order for the following extract to be coherent, we must accept that 'if a woman willingly

places herself in a situation where sexual intercourse 'might be expected to occur' (whatever that means), that is tantamount to being a willing partner, and rules out rape' (1995:30):

> C: …you went to that house willingly…you could have got away quite easily…

Thus, the contributions of interviewing officers are exposed as being heavily ideologically laden – that is to say, 'each is a particular representation of some aspect of the world…which might be (and may be) alternatively represented' (1995:31).

Thornborrow (1991) draws on the same data, making the point that the police officers are socially and ideologically in a more powerful position than the interviewee, not least because of their institutional positions of authority. This power, Thornborrow points out, is expressed through the interpersonal structure of the talk: the officers have a wider range of interactive resources on which to draw.

To summarise, the studies discussed in this section demonstrate that the taken-for-granted 'knowledge' surrounding rape comprises assumptions about victims, about perpetrators, and about the crime itself. It manifests itself through multiple means – syntactically, lexically and discursively – and in multiple arenas of language use. It is pervasive and can only be effectively addressed through rigorous critical analysis.

2.8 Linguistic Perspectives on Police Interviewing

Like the courtroom (Atkinson & Drew, 1979) and the news interview (Clayman, 1992; Heritage, 1985), the context of the police interview is one in which there are clearly defined and unequal roles for the participants: broadly speaking, the interviewer asks questions, and the interviewee answers them, and the interviewer also has the authority to decide what counts as a legitimate answer. Thus, it is generally the interviewer who controls the interaction, possessing as they do the authority, invested in them by the institution they represent, to constrain interviewees' type and length of turn, and to control the topics that are discussed. Up until recently, however, the police interview context was somewhat neglected as an area of study –

and the recent increase in publications in the area has for the most part focussed on suspect interviews (e.g. Haworth, 2007; Heydon, 2005; Johnson, 2008; Newbury & Johnson, 2006; Stokoe & Edwards, 2008). Owing to the relative scarcity of studies relating directly to witness interviews, the bulk of those presented here relate to suspect interviews. It will be demonstrated, however, how many of the relevant concepts are applicable across the board.

Heydon (2005) adopts a critical approach to police/suspect interviews, in which her starting point, as with the current study, is Conversation Analysis (CA) – the type of 'micro analysis' generally regarded as paying little heed to social structure and patterns of inequality (see Chapter 3). On the basis of this micro analysis, however, she goes on to demonstrate that underlying beliefs held by the police institution are manifested discursively. Furthermore her findings reflect those of Wodak's analysis of doctor-patient interactions, in that suspects were routinely expected to conform to institutional norms with which they had little familiarity, resulting in a conflict of expectations between themselves and interviewing officers. Similar patterns might be expected in the data of the current study, and may be shown to reveal both interviewee's expectations and, more importantly, officers' underlying beliefs of the purpose of the interview and the 'reality' of sexual violence.

2.8.1 Question Form
According to the turn-taking model of conversation (Sacks, Schegloff & Jefferson, 1978), a question requires an answer. In institutional settings, the types of allowable turn are often pre-allocated (Matoesian, 1993). Thus, questioning as a mechanism of interactional control is a resource that, for the most part, is only available to powerful participants. According to Drew & Heritage, the question-and-answer sequence gives members of institutions 'a measure of control over the introduction of topics and hence of the 'agenda' for the occasion' (1992:49). Interactions in legal contexts such as police interviews and courtroom trials are of such a nature that many turns on the part of the questioner can be said to function as a question, regardless of their syntactic form (Newbury & Johnson, 2006). Different syntactic forms exert different degrees of constraint on their responses, and questioners in these contexts often make strategic use of their options. Because of the pre-allocation of turn types, a respondent will usually be powerless to refute any propositions contained within questions, or to

elaborate when question form calls for a minimal response. As Matoesian said of the cross examination of a rape victim, 'put simply, the differential design of question types operates to limit her ability to talk' (1993:150).

Question form in legal contexts has received a great deal of academic attention, and accounts for a significant proportion of the advice given in police interview training that can broadly be described as 'linguistic'. In legal contexts, it has been suggested that there are two main functions of questions, 'a genuine process of elicitation of information…[and] to obtain conformation of a particular version of events that the questioner has in mind' (Gibbons, 2003:95). For example, while the appropriate response to a declarative question – such as 'you were interested in him as a person?' would be a minimal confirmation or a denial of the proposition contained within it, a WH- question like 'who were you there with?' requires the interviewee to provide new information, and is thus less constraining (Maley, 1994). Newbury & Johnson scale information-seeking questions according to the *amount* of information they request, and confirmation-seeking questions in terms of 'the extent to which they coerce the participant to agree with the proposition contained in the question' (2006:218).

Matoesian's (1993) analysis of a high profile rape trial in the United States takes question form as one of its key areas of focus, particularly the ways in which defence attorneys make strategic use of question form to register impressions about victims' evidence in the minds of the jury: 'as a result of manipulation of syntactic question form, the jury may register not just the facts, but also the presuppositions and blame implicative imputations' (1993:151). Thus, all the power to construct the telling of events lies with the attorney, 'the power to define the situation, to define what counts as reality, in sum the power to make one's account count' (1993:156). Able to draw on resources inaccessible to the witness, attorneys can successfully manipulate not only the witness herself, but more importantly the 'overhearing audience' – the jury.

There is a large body of literature dealing with the functions of questions prefaced by various discourse markers in institutional language, including '*and*' (Matsumoto, 1999) '*well*' and '*okay*' (Schiffrin, 1987) and '*so*' (Johnson, 2002). In other contexts, '*so*' is generally treated as a marker that is employed when hearers are being offered a

turn at talk and/or an opportunity to change the topic (Schiffrin, 1987:225). However, as Johnson (2002) notes, Schiffrin and others have neglected to discuss *so* within the specialised context of question and answer sequences. In police interview contexts, Johnson observes two major functions of *so*-prefaced questions. With adult defendants, she presents evidence to suggest that *so* functions to evaluate and challenge prior utterances, often to narrow the focus on to specific evidential details and to direct the interviewee into reformulations of earlier turns. With child witnesses, on the other hand, *so* is a means by which the discourse is supported and rearranged to form a coherent narrative (2002:97). As such, as well as contributing to a controlling tone in the interaction, *so-* functions, in some environments, as an essentially empowering device. *So*-prefaced questions often simultaneously function as a third-turn strategy to summarise prior talk – that is, as a formulation. The functions of formulations in institutional language are dealt with in Chapter 3 and, in relation to the current data, in Chapter 6.

2.8.2 Footing

As mentioned in the previous section, the primary recipient for institutional talk is often not either of the participants present, but an absent 'overhearing audience' (Heritage, 1985) – the Crown Prosecution Service, and, potentially, a judge and jury. Thus, Goffman's (1981) notion of 'footing' is relevant here, since it has its basis in participation frameworks – participants' alignment, or orientation to, particular roles, either as receivers or producers of talk. As receivers participants can be oriented to, and align themselves as, addressed or unaddressed recipients; as overhearers, or as eavesdroppers. Speakers' alignment to the overhearing audience is signalled in a variety of ways, one of which, as discussed in the following section, is the use of formulations as opposed to news receipt markers. Another indicator of orientation to an overhearing audience is the production of information that is likely to already be known by both parties – for example, a news interviewer introducing a guest with biographical information concerning their qualifications or position.

As producers, participants can present themselves in one or more of the following roles:

- o   Principal: The source of the message – the party who authorises and is 'held responsible for having wilfully taken up the position to which the meaning of the utterance attests' (Goffman, 1974:517).
- o   Author: The creator of the utterance – the party who selects the words and structure of the utterance.
- o   Animator: The producer of the utterance. 'The emitter of the statement...the current, actual sounding box from which the transmission of articulated sound comes' (Goffman, 1974:517).

Evidence of news interviewers distancing themselves from the Principal role – and thus from responsibility for the content of the utterance, representing themselves as neutral – is often manifested in the attribution of the statement to a third party (Clayman, 1992). In police interviews with suspects, Johnson (2008) observes similar patterns, with officers challenging suspects' versions by presenting events from the perspective of witnesses present at the time, in the form of reported speech. The use of reported speech in police interviews has been explored in other studies, and is reported on in Chapter 3, and discussed in relation to the current data in Chapter 5.

Heydon's (2005) study of suspect interviews begins with an analysis of the types of footing activated at different phases of the interview. With a focus on producer roles, she notes that the production of scripted utterances such as the reading of a suspect's rights assigns the roles of principal and author to the police institution rather than the individual officer. This footing is often audibly oriented to by participants, as is evident in such utterances as 'I must inform you…', which indicates that the officer is acting only in the role of animator – uttering the words because of legal requirements. This framework is most frequently activated during the 'opening' phase of an interview, which is characterised by a number of formulaic utterances scripted by the institution. This is also true of the data in the current study, and a more detailed explanation of how footings are analysed appears in Chapter 4.

During the 'information gathering' phase, or 'interview proper', Heydon makes observations of officers' preference for suspects to be aligned as principal and author, as well as animator, of their own accounts, noting that it is institutionally preferable to have the account in the suspect's 'own words'. As she puts it, 'the police interviewer

would, ideally, be assigned none of these roles for the duration of the information gathering' (2005:58). Evidence of officers' preferences appears in the form of explicit promotion of the footing, such as 'would you care to tell me in your own words…'. On a related note, interviewing officers often work to maintain the footing by feigning ignorance of certain facts, 'because they want the suspect to answer the question on record, as though the suspect is the owner of the 'new' information' (2005:59). However this is not always successful, and officers frequently find themselves having to ascribe the roles of principal and author to the police institution or eyewitnesses in order to elicit the required responses. Heydon's research provides the analytical point of departure for the current study, with an initial analysis of invoked footings as an explanation of the overall interview structure forming the basis for later micro analysis.

2.8.3 Formulations

Garfinkel & Sacks (1970) define formulations as points within conversation where a participant takes the opportunity to 'describe that conversation, to explain it, or characterize it, or explicate, or translate, or summarize, or furnish the gist of it…' (:350). Thus, formulations provide a resource for participants to reach an agreement on the meaning of what has gone before: 'the introduction of a formulation enables co-participants to settle on one of many possible interpretations of what they have been saying' (Heritage & Watson, 1974:123). Although rare in 'ordinary' conversation, formulations are typical of many types of institutional, audience-directed interaction (Heritage, 1985), and demonstrate the authority a powerful participant has to gloss the meaning of preceding talk.

Dealing with the context of the suspect interview, Johnson (2008) gives particular attention to the ways in which suspects' narratives are negotiated through the evaluations of the interviewing officers, transforming the initial narrative into something of evidential value. In this way, and echoing Rock's (2001) analysis of the processes by which a witness statement is created, the end product of the interview is the product of a series of negotiations of meaning, wording, etc. The production of formulations is central to this process – by re-wording a suspect's account within an institutional frame, interviewers increase the evidential value of the narrative:

'recontextualizing practices have the power to transform realities in ways that orient to institutional meanings' (Johnson, 2008:328). Johnson shows how officers, as well as translating lay accounts into institutionally appropriate ones, necessarily do not 'take up' all the elements that are provided. Instead, they focus on those elements that emphasise the suspect's involvement and responsibility, from which they negotiate a new version, which the suspect is then encouraged to support.

A further function of formulations in the police interview context as well as other types of institutional talk, such as courtroom discourse and news interviews, is the orientation to an absent listener or 'overhearing audience' (Heritage, 1985). That is, rather than being restricted to the interaction, and the interactants immediately present in the interview room, the talk is relevant to a wider context, it is 'performed for a higher authority, a judge and jury' (Johnson, 2008:330). It is for this reason that the usual' 'receipt objects' that we would expect to appear in third-turn position in ordinary conversation (e.g. 'good', 'really?', 'oh') are rare in the question-and-answer sequences in such contexts. These receipt objects align the questioner as the primary addressee of the talk. Conversely, third-turn positions in the talk of trials, news interviews and police interviews are instead typically occupied by utterances which allow questioners to 'decline the role of report recipient while maintaining the role of report elicitor' (Heritage, 1985:100). These allow the overhearing audience to view themselves as the primary addressee. This footing (Goffman, 1981 – see previous section), which places overhearers as the primary recipients of talk, 'is managed by the questioner's withholdings of the many small gestures of alignment and solidarity characteristic in question-answer sequences in conversation' (Heritage, 1985:100). Formulations are directed at the overhearing audience, ostensibly to summarize the gist of preceding talk, but selectively re-presenting the content in the process, and inviting the interviewee to minimally confirm or deny the modified version.

 The analysis of formulations is also highly revealing of officers', and the police institution's, priorities when interviewing women reporting rape. Evaluating and shaping a naïve witness's account into something of evidential and investigative value necessitates emphasis on certain aspects of the report at the expense of others. In the case of suspect interviews, officers have been shown to evaluate suspects' contributions and co-construct the final account by introducing alternative wording

and perspectives (Johnson, 2008). Thus, a similar focus in the current study allows us to bridge the gap between analysis at the micro level of conversation and the contextualising of these patterns in relation to institutional ideologies.

2.9 Chapter Summary

It is perhaps not surprising that there exists a gap in the current literature in terms of detailed analyses of the discursive patterns of police interviews with women reporting rape. It is likely that difficulty in gaining access to the required data is a contributing factor. However, since the founding in 2007 of the International Investigative Interviewing Research Group (iIIRG), it is likely that stronger links will be fostered between researchers and law enforcement agencies, facilitating an increase and improvement in research-based practice and practice-based research. Only through maintaining good relationships across professional boundaries can we hope to address the glaring flaws in the current investigative process, as identified in the 2007 Joint Report (HMCPSI/HMIC, 2007) and The Stern Review (Stern, 2010).

It is fundamental to bear in mind one of the most important central assumptions of CDA – that no kind of social practice occurs in a vacuum. The way the police investigate rape must certainly be influenced to some extent by the socio-historical context of sexual violence, as outlined earlier. Indeed, as also demonstrated earlier, this social context has been *shown* to influence social practice, both in terms of policing and other related institutional contexts. The first step to eliminating such bias is revealing its existence and the subtle ways in which it manifests itself – a goal that falls clearly within the scope of CDA. A discussion of those elements of discourse which have previously been shown to harbour evidence of underlying ideology has begun in this chapter. It is continued in Chapter 3, with specific description of the methodological tools assessed as being most useful for revealing evidence of this ideology in the current data.

Chapter 3 : Methodology

3.1. Introduction

As with any kind of research it is of fundamental importance to give careful consideration to the collection of data, the selection of appropriate tools for analysis, and the issues that arise as a result of these choices. As discussed in earlier sections, the nature of the research means that an essentially data-driven approach was required: that is, appropriate tools for analysis could not be selected until after initial appraisal of the collected data.

The first section of this chapter comprises a description of the final data set and how it was selected, taking into account the current recommendations for the interviewing of significant witnesses. Since this research is quite obviously ethically sensitive, the chapter will then move on to explore some of the ethical questions raised, and the ways in which these problems were addressed in order to gain approval from the relevant Ethics Committee. Issues surrounding the transcription of video data are then explored, taking in to account the varied (and often conflicting) theories about accurate and appropriate transcription. The final section will discuss the tools for analysis that are deemed appropriate to apply to the selected data, along with a brief description of the theoretical framework to which these relate (for a more detailed discussion of the theory behind these methods, see Chapter 2). Although attempts will be made at a later stage to place the findings into the wider social context, drawing some correlation between the results of the analyses and the socio-political environment in which they occur, this critical perspective can only be achieved on the basis of disciplined and detailed micro-analysis (see Heydon, 2005).

3.2. The Data

3.2.1 Collection

The interview video recordings were obtained from a UK police force in early 2008, and relate to rapes reported between February and November 2007. In total, VHS tapes relating to fourteen reports were secured. Initial viewing established that some recordings were not suitable for the current research for several reasons. Firstly, six related to complainants under the age of seventeen. As such, these interviewees are

defined as 'vulnerable' under section 16 of the Youth & Criminal Justice & Evidence Act, and were therefore interviewed within a separate framework (see section 2.6). Since the current research is concerned specifically with the interviewing of *adult* complainants of rape, these six cases were eliminated from the data set. Of the remaining eight, one was eliminated on the grounds that only the second and third tapes in the series were present – without the complete interaction, it was felt that any analysis of this interview would be flawed. Lastly, one further interview was deemed to be inappropriate for analysis, on the grounds that it was deemed to present too many transcription difficulties. This left a set of six interviews in the final data set.

The remaining six recorded interviews were digitised and uploaded to a secure PC, before being transcribed with the assistance of Transana 2.21, a programme that allows the management of large quantities of video data, the matching of transcripts with sections of video files through the use of time codes, and the organisation of video clips (from the same or from different video files) into meaningful categories, as a mechanism for developing and expanding the theoretical understanding of what the videos show[7]. The resulting transcripts were then exported into Microsoft Word for detailed linguistic analysis, which was performed manually.

A key to the transcription conventions used appears on page 6, and the key to speakers appears on page 7.

3.2.2 Description

All interviewees are white females, aged between nineteen and thirty-two. Table 2 displays summaries of each report. All names have been changed.

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[7] http://www.transana.org/about/index.htm

Table 2: Summary of Transcribed Recordings

Name	Age	Relationship to attacker	Circumstances of Attack	Duration	No. of words	Sex of Interviewing Officer	Outcome
Polly	18	Stranger: Con[8]	Met suspect and accompanied him to his address; no memory of attack.	48m 28s	7271	F	'No Crime'
Angela	32	Family: Cousin	Awoke in own home to discover suspect engaging in intercourse.	29m 56s	4897	F	Acquittal
Natalie	19	Stranger: Surprise[9]	Attacked after leaving a nightclub.	53m 03s	8507	M	Unable to trace suspect: Undetected
Becky	29	Acquaintance: partner's friend	Awoke in own home to discover suspect engaging in intercourse (partner asleep in same bed).	47m 41s	8620	M	NFPA[10] (CPS)
Ellen	28	Acquaintance: partner's lodger	Awoke in suspect's bed after sleepwalking.	57m 18s	8204	F	Suspect arrested & interviewed; released due to lack of forensic evidence.
Emily	25	Stranger: Surprise	Attacked after leaving a nightclub.	57m 33s	9065	M	Undetected 'until further evidence becomes available'

[8] A "con" attack is defined as one in which 'the rapist gains access by winning the confidence of the victim and then betraying it' (Holmstrom & Burgess, 1979:105).
[9] A "surprise" attack is one in which 'the attack, or the intention to do so, is immediately obvious' (Davies, 1992:173).
[10] No Further Police Action: a decision taken by the Crown Prosecution Service.

As discussed in Chapter 2, the Association of Chief Police Officers and the Crown Prosecution Service have issued recommendations that complainants in rape cases now be classified as significant witnesses, and as such their interviews be video recorded, and conducted by officers who have completed a significant witness interview training course (hereafter SWIT) (CPS, 2007). The extent to which the latter was true of these recordings varied significantly. Table 3, overleaf, gives an overview of the interviews in terms of how closely they followed the guidelines set out in 'The Enhanced Cognitive Interview: A Step-by-Step Guide' (Milne, 2004). It thus gives a preliminary indication of the relative quality of each interview. As the table shows, Polly's interviewer performed consistently well across the board. A question mark appears in relation to whether she 'greeted and personalised' the interview, since it is clear that the video picks up after a technical hitch has temporarily paused the recording. However, all the signs are there that she successfully managed to create rapport with the interviewee. The table demonstrates that Angela's interviewer, on the other hand, performed very poorly in terms of the ECI guidelines – even her instruction for Angela to 'report everything' was brief and underdeveloped. This interviewer, along with Ellen's, showed very little evidence of having been trained to the correct level. The fact that both these interviews were conducted by officers in uniform (one of whom also wore a high-visibility jacket) supports my suspicion that the interviewers were selected on account of being female and available at the time, rather than on account of any degree of experience or expertise. The other three interviewers fall somewhere in between these two extremes. They all show evidence of having completed ECI training – Emily's interviewer, for example, asks her to report events in reverse order; Emily's and Natalie's both reiterate the importance of using all senses; Becky's spends a lengthy period of time discussing neutral, rapport building topics before requesting her free report. However, they all display significant weaknesses in certain areas. Becky's interview is punctuated by long, awkward silences; Natalie's interviewer puts a large number of inappropriately closed questions to her; Emily's interviewer neglects to 'transfer control' at the start of the interview. In purely quantitative terms, according to their performances across these criteria, Polly's interview is ranked top, followed by Emily's, Becky's, Natalie's, Ellen's, then Angela's. Due to space constraints no information appears on the table about the closure phases of the interviews. It is perhaps unsurprising to hear that Polly's interview is brought to an end with information about how the interviewer can be contacted, and the offer of a cup of tea; Emily's ends with the interviewer thanking her for her efforts; Becky's concludes with an offer of a drink and the reassurance that she 'did

very well'; and Natalie's, Ellen's and Angela's come to abrupt endings with typical 'police-speak' time-checks (e.g. 'interview is ended at thirteen twenty two'), no 'thank-yous', no offers of drinks, and no information about future contact.

The analysis that follows will reveal further, more concrete differences between the 'good' and 'bad' interviews which will allow further comment on successful interview techniques.

Table 3: Adherence to ECI Framework

	Greet & personalise/ Establish Rapport		Explain Aims			Initiate Free Report			Questioning					Varied & extensive Retrieval		
	Greet & Personalise	Establish Rapport	Focussed retrieval	Report everything	Transfer control	Context reinstatement	Open-ended questions	Pauses & no interruptions	Report everything	Interviewee-compatible questioning	OK to say 'don't know'/ 'don't understand'	Activate & probe an image	Open & appropriate closed questions	Change temporal order	Change perspectives	Focus on all senses
Polly	?	√	√	√	√	√	√	√	√	√	√	√	√	X	√	√
Angela	X	X	X	√	X	X	X	X	X	X	X	X	X	X	X	X
Natalie	X	X	X	√	X	√	√	√	X	X	√	X	X	X	X	√
Becky	√	√	√	√	√	√	√	√	√	X	√	√	√	X	X	X
Ellen	√	X	X	X	X	X	√	√	X	X	X	√	X	X	X	X
Emily	√	X	√	√	X	√	√	√	√	√	√	√	√	√	X	√

3.2.3 Transcription Conventions

Although when converting speech to writing 'a literal rendering is impossible' (Wood & Kroger, 2000:82), it is nevertheless the creation of a transcript that makes it possible for the researcher to attempt any kind of analysis. While it has been suggested that transcription should be comprehensive, due to the impossibility of knowing in advance the importance of certain features (Schiffrin, 1994; Wood & Kroger, 2000), it is also important to ensure readability. Thus, it has been suggested that 'too much detail can be as unsatisfactory as too little' (Cameron, 2002:39).

The conventions adopted here are derived from the Jeffersonian system (Jefferson, 1984), and a full list of the notations appears on page 6. Some modifications have had to be made due to restrictions imposed by the transcription software, including the use of separate pairs of square brackets enclosing each participant's speech in cases of overlap, as opposed to elongated pairs enclosing both. Further to this, the programme does not allow for easy positioning of overlapping segments in line with the exact point in the other participant's turn where they occur. Hence, overlapping portions begin at the start of a new line, and are recognisable only by square brackets. Owing to the nature of this research, a certain number of additional notations have had to be incorporated: for example, one feature common to all six transcripts is the presence of crying.

Despite Jefferson's (1985) and Glenn's (2003) detailed work on the transcription and significance of *laughter* in interaction, little attention has been paid to the nature or organization of crying (Hepburn, 2004). Hepburn goes on to point out that crying episodes are often oriented to by participants, and furthermore often bring with them features of their own to the interaction. In line with the bottom-up approach being adopted in this research and to allow for this phenomenon to be explored, it was decided to follow Hepburn's recommendations for the representation of crying sounds within the data. These additional symbols also appear in the list on page 6.

Another issue worth discussing here is the extent to which pronunciation is represented in the transcript. While some researchers have seen fit to include features of pronunciation associated with connected speech and regional accent, 'eye-dialect'

or 'pronunciation re-spelling' (for example Drew, 1992; Matoesian, 1993), others have spoken out against such representations, claiming they run the risk of reinforcing negative stereotypes (Preston, 1985). In the case of this data, collected from a force based in an area of the UK with very recognisable accent and dialectal features, this danger may well be compounded, as well as running the risk of identifying the region in question. Thus, the decision was taken not to represent features of local accents, but to include contracted forms usually found in speech and not indicative of regional origin (such as 'd'you' and 'dunno'). The decision was also taken not to standardise the grammar of the speakers, since to do so would be to imply a negative researcher perception of any non-standard forms. Where non-standard dialect items appear, however, these have been standardised in order to minimise the possibilities for identification.

The representation of intonation, pitch, stress, speed and volume is also a fundamental consideration (Schiffrin, 1987). Attention has been paid to these prosodic features of speech during transcription, with arrows used to represent noticeable raising or lowering of pitch, and punctuation marks to represent intonation at the closing of each turn constructional unit (TCU). A question mark indicates rising (hence questioning) intonation, whether or not the marked element is in fact formed as an interrogative, while a full stop indicates falling intonation, irrespective of the marked element's status as declarative or interrogative. A comma represents continuing intonation. Noticeably louder segments are marked in capitals, while noticeably quieter segments appear enclosed in degree symbols. Emphatic stress is marked with underlining of the stressed syllable, and speed is marked with the use of greater than/less than brackets for faster and slower speech respectively. Colons are used to indicate lengthened sounds, and rather than being limited to vowels these can be found marking any continuant sound.

3.2.4 Ethical Considerations

With research of such a sensitive nature, ethical considerations are of paramount importance. It is generally accepted that the principles of ethically responsible research fall into three main categories: beneficence, respect and justice. In short, the researcher should strive to protect those involved, and positive outcomes for the participants should be prioritised (Sieber, 1992). Although the women whose

interviews form the data in this study are unlikely to benefit directly, the aims of this research include providing a firm basis for recommendations for the ways in which the police investigate rape, ideally leading to changes in training and policy. Thus, it will be of benefit to the police, individuals reporting rape in the future, and the wider community. It is hoped this counteracts the lack of any direct benefit to the individual participants (with the exception, perhaps, of the interviewing officers in their future careers).

One of the key principles relating to the Sieber's 'respect' category is that of informed consent. The police force in question was responsible for gaining this consent, as no contact details were released to the researcher. The research was conducted with the force's co-operation, and within their guidelines. A further important consideration in this category is that of anonymity. All identifying information, including that which relates to the interviewing officers, is, and will continue to be, stored securely, and no personal, town or force names, or other identifying details have been transcribed. Further to this, while excerpts are included to demonstrate particular points, these have been selected carefully in order to prevent the inclusion of any identifiable information, such as particularly unusual circumstances. The full transcripts do not appear as appendices in the final submission, but are available in hard copy to the examiners. The video footage is stored on a secure computer, and has not been viewed by anyone other than the researcher. Although there is always the possibility that anonymity will inadvertently be jeopardised, every effort has been made to maintain it.

Overall, every effort has been made to ensure this project falls within the guidelines stipulated by the British Association for Applied Linguistics (BAAL, 2000), and it has been approved by the School of Languages & Social Sciences Ethics Committee at Aston University.

3.3 Tools for Analysis

The opportunity will be taken here to describe the various approaches taken to analysing the data described above. Beginning with an overview of Goffman's model of footing as a tool for identifying the various stages of the interview as a whole, the

chapter then moves on to describe appropriate tools provided by Conversation Analysis (CA), in line with the bottom-up approach taken in this research. CA concerns itself with the micro-analysis of interaction, focussing on how particular goals are achieved by participants, and generally avoiding discussion of how these manoeuvres relate to the wider social context. Since the current research *does* aim to explain aspects of the discourse in terms of this wider context, further elaboration is required to describe just how the micro-analysis can in fact be drawn out to reveal relationships between phenomena directly observable in the data and pervasive, institutionalised myths surrounding sexual violence. Further to this, tools borrowed from discursive psychology are also outlined, namely analyses of interpretative repertoires and the closely related phenomena of excuses and justifications. This represents another step towards bridging the gap between the micro- and macro-level analyses.

 Thus, the approach to analysis is consistent with a critical framework. Though the decision to combine tools from several methodological approaches might be seen by some as controversial, this study is by no means the first to do so. In defending their decision to combine tools from Conversation Analysis (CA) and Interactional Sociolinguistics (IS) in their critical analysis of builders' talk, for example, Baxter & Wallace (2009) state that, while CA and IS do not offer a critique on power relations *per se*, there is nothing preventing analysts from using tools provided by the approaches within a framework of social critique.

3.3.1 Footing

The concept of footing is associated with the work of sociologist Erving Goffman (1974; 1981), and relates to participants' alignment to a message, and orientation to particular roles, either as receivers or producers of talk. An examination of the roles occupied by participants can assist in building a picture of the interview structure as a whole, and how this relates to the aims of each phase as set out in the guidelines (see Heydon, 2005 as outlined in Chapter 2). The available footings will be discussed here, before the chapter moves on to examine two means by which a preferred footing can be maintained in an interview context – the reporting of, and formulation of, interviewees' talk.

As receivers participants can be oriented to, and align themselves as, addressed or unaddressed recipients; as overhearers, or as eavesdroppers. The role taken up depends on various factors, including whether their participation is ratified. A feature of police interviews, as well as many other types of institutional discourse, such as courtroom language and news interviews, is that the true addressee of a significant proportion of the questioner's contributions is not the interviewee but an overhearing audience – a judge, a jury, radio or television audiences, or, as in our case, investigating officers and the Crown Prosecution Service. This is signalled in a variety of ways, such as the use of formulations (discussed later), to ensure understanding for the benefit of those who will become the eventual recipients of the talk. Another indicator of this orientation is the production of information that is likely to already be known by both parties present – much as a news interviewer may introduce a guest with biographical information concerning their qualifications or position, so a police interviewer may begin an interview by requesting known personal details from their interviewee, 'for the benefit of the tape' (Stokoe, 2008).

As producers, participants can present themselves in one or more of the following roles:

- o Principal: The person responsible for the content of the utterance; 'the party to whose position the words attest' (Goffman, 1981:226)

- o Author: The creator of the utterance; 'the agent who scripts the lines' (Goffman, 1981:226)

- o Animator: The producer of the utterance; 'the party whose voice is actually being used' (Goodman, 2006:19)

While it is common for one speaker to occupy all three roles, this is frequently not the case: often, for example, a person acts as a spokesperson for another – that is, they *animate* a message for which someone else retains authorship and principalship. Often, it is in a speaker's interest to ensure their status as mere animator is obvious to all parties. Evidence of news interviewers distancing themselves from the principal

role – and thus from responsibility for the content of the utterance, representing themselves as neutral– is often manifested in the attribution of a statement to a third party (Clayman, 1992). In police interviews with suspects, Johnson (2008) observed similar patterns, with officers challenging suspects' versions by presenting events from the perspective of witnesses present at the time. Heydon (2005), as discussed earlier, noted that the production of scripted utterances such as the reading of a suspect's rights assigned the roles of principal and author to the police institution rather than the individual officer. Heydon also paid great attention to officers' preference for suspects to be aligned as principal and author of their own accounts, noting that it was institutionally preferable to have the account in the suspect's 'own words'.

This is also an issue which is prioritised in the Significant Witness training literature, as reflected in instructions to ask questions that 'relate only to what the interviewee has already said in the earlier free report phase' (Milne & Bull, 1999:44) and 'as far as possible try to use the same words as the interviewee' (Milne, 2004:29). Of interest in the current study is the extent to which interviewees' status as author is truly maintained, since both formulations and reported speech (discussed later) are devices used by interviewers to reactivate topics while ensuring interviewees retain principalship. However, these are also both sites for potential re-wordings which pose a threat to interviewees' status as author.

Switching between the available production and reception roles, or shifts in 'footing' between various 'participation frameworks', are managed with the use of cues that indicate the producer's and receiver's relationship to the utterance(s). Within the police interview we might expect several footings to be activated, and these are managed in several ways. A recurrent feature of the opening phases of the interviews, for example, is the identification of the interviewing officer by name, rank and badge number, and a statement summarizing the time, date and location. Rather than being the words and sentiment of the individual officer, for the benefit of the ostensible addressee, the interviewee, these utterances are in fact produced on behalf of the police institution, for the benefit of the eventual audience of the tape. An example appears in *Extract 3-1*.

Extract 3-1: 'Ellen', p.1

```
  43   IR:   (1) tt right okay then (1) e:rm so we'll start e:r (.6)
              the interview at thirteen twenty eight hours (.3) just
              make a note of that •hh and it's e:r Saturday the twenty
              second of September two thousand and seven. (1) tt •hhhh
              my name's PC sixteen fifty three Lisa Ware from ((town
              name)) police. (.6) o:kay (.8) •hhh e:rm (.9) and I've
              come to talk to you today or- I want you to talk to me
  50          today about erm (.4) •hh the incident which you reported
              to us (1.5) erm (.2) earlier on today (.4) okay […]
```

Clearly the interviewee does not need to be told the date and time, and it is likely that she will already have been introduced to the officer prior to the start of the interview – she will, at any rate, be aware of what town's force the officer represents. Likewise, it is unlikely she needs to be informed of why she is there. Rather than an interaction between two individuals, this is an instantly recognisable piece of goal-oriented institutional discourse. Date, time and location checks are institutionally required, and are produced both on behalf of and for the benefit of institutions, not individuals. Since the institution has dictated not only the sentiment behind the utterance but also, to a certain extent, the wording – use of the twenty-four hour clock and lexical items such as 'incident' are associated with police register (Gibbons, 2003) – the officer is rendered a mere animator of the message.

During questioning, however, the situation is likely to be quite different. Officers are not provided with 'scripts' for use during this stage – rather, officers are expected to be flexible and adapt their questioning according to the interviewee's responses, labelled 'witness compatible questioning' (Milne & Bull, 1999:45). Furthermore, they are encouraged to allow the interviewee to tell their own story, in their own words, as much as is possible. The shift between these two phases of the interview is clear in *Extract 3-2*, below, which appears immediately after the officer has provided the institutionally required details and reassured Natalie about the interview process.

Extract 3-2: 'Natalie', p. 2

```
  53   IR:   okay? (.) alright? (5) •hh right so ((clears
              throat))(1) something's happened (.) e:rm it woulda
              been (.) last night yeah or [or Saturday]

       IE:   [mmm hmm]
```

```
        IR:   night going into Sunday morning,
   60
        IE:   mm [hmm]

        IR:   [okay] yeah •hh you contacted the police,

   65   IE:   mm hmm

        IR:   e::rm (.3) and somebody came from e:rm (.5)
              ((district  name)) district

   70   IE:   mm hmm

        IR:   c- came up to see you •hh right •hhh start off e:rm
              (.4)  set the scene nice and big (.2) time of day
              where you were (.) yeah (.2) and then just basically
   75         tell us (.) take us through maybe (.4) e:rm (.) alth-
              I know it's involved (.)being on a night ↓out=

        IE:   =mmmm yeah=

   80   IR:   =e:rm (.3) •hh so start us off from (.) maybe:
              >getting ready to go out.<

        IE:   yeah (.3) well just normal girly (.2) getting ready
              […]
   85
```

The shift from the opening phase to the information gathering, or 'interview proper', is evident in this extract in a number of ways. Firstly, the use of 'okay?' and 'alright?', followed by the frame 'right so' (Sinclair & Coulthard, 1975) on line 53 constitute a boundary marker and thus a shift to a new phase. Secondly, between lines 54 and 72, the interviewer presents himself as the principal and author of the message, displaying his knowledge state and providing information such as 'something's happened', 'Saturday night going into Sunday morning', 'you contacted the police', 'somebody came' and 'it involved being on a night out'. However, on receiving Natalie's confirmation of these details in line 78, he then invokes a framework whereby she must take on these roles, through the imperative question in line 80-81 'start us off from maybe getting ready to go out'. It is this framework, with interviewee as principal and author, that is the preferred participation structure for the information gathering phase of the interview (Heydon, 2005). It is sometimes necessary, however – for example during probing or 'investigatively important questions' (Milne & Bull, 1999) – for information to be introduced by the interviewer, thus invoking a framework where the *interviewer* takes on the role of principal and

author. An example appears below in *Extract 3-3*, where the officer is attempting to ascertain the route taken by Natalie after she left the nightclub.

Extract 3-3: 'Natalie', p.13

```
693   IR:   °right okay° •h are you familiar with that- I don't
            mean last night but are you familiar with that
            area?=

      IE:   =yeah eh- e:rm (.8) I- well I go every now and then
            during work.

700   IR:   °right (.) okay° •hh cos e:rm from my memory you
            have the Eagle Hotel in front of you (.2) which you
            can't really miss it's a big [thing]

      IE:   [yeah] yeah.
705
      IR:   •hh and then as you tu:rn (.) right you've got a
            barrier that stops the taxis coming down the high
            street now on the weekends?=

710   IE:   =yeah.

      IR:   and then you go into e:rm (.2) what would be Mile
            Lane?

715   IE:   (.2) [yeah]

      IR:   [and you] got pubs over the road,

      IE:   yeah.
720
      IR:   e::rm (.) and then you've also got the (.3) e:rm
            (.2)  tt all the takeaways,

      IE:   (.) yeah.
725
      IR:   yeah? (.5) •h right so how fa:r (.9) um would you-
            do you remember going.
```

In *Extract 3-3*, the interviewer takes on the roles of principal and author of the message, proposing parts of the route taken with Natalie's contributions limited to confirmations. This framework is dispreferred for obvious reasons: considering the imbalance of power in this setting, arising from the participants' relative experience and familiarity with the setting as well as the quite probable fragile state of the interviewee, disagreeing with the interviewer's propositions is likely to be quite problematic. Thus, any information that is gathered this way is likely to hold less evidential value than that which is provided by the interviewee, in her own words and with as little prompting as possible.

A further aspect of the interviews that can be illuminated by an analysis of footing is the way interviewers manage a balance between personalisation and the pursuit of valuable information. As discussed earlier, SWI training emphasises the importance of personalising the interview: 'the interviewer needs to treat the interviewee as an individual with a unique set of needs as opposed to being just another interviewee of the day' (Milne, 2004:4). On a related note, recommendations for how the interaction should proceed suggest they are aiming to achieve a format more reminiscent of conversation between equals than goal-oriented talk between an authoritative member of an institution and a naive layperson: 'building rapport requires that you personally interact meaningfully with the interviewee, contributing as an interested party...it is often a good idea to talk about yourself' (Milne, 2004:5-6). This recent drive towards for personalisation and 'conversationalisation' (Fairclough, 1992) is perhaps not typical of the type of talk and other work police officers generally find themselves engaged in, and potentially sets up the interview as a site of tension between giving the interviewee the 'right' impression of the interaction on the one hand, and fulfilling an institutional agenda on the other. An analysis of footing, particularly in terms of on whose behalf interviewers appear to be speaking, is a means by which this tension can be explored.

An analysis of the various footings that are activated over the course of the interviews, and the ways in which the shifts in footing are achieved, can therefore assist in building an overview of the structure of the interview, characterising each phase according to who says what on behalf of whom. Furthermore, it will assist in uncovering precisely what frameworks are preferred at any given stage. However, in order to reveal the processes by which the 'final version' of events is negotiated, it will be necessary to explore the interactional resources interviewers draw on as they attempt to preserve interviewees' principalship while simultaneously ensuring the talk is steered in directions that will fulfil the institutionally defined goals of the interview. Two of these resources are discussed in the following section.

3.3.2 Conversation Analysis (CA)

This section will outline some of the basic methodological assumptions of Conversation Analysis (CA), before moving on to describe in more detail the particular tools that have been applied in the current study – namely analyses of formulations and reported speech.

As mentioned in the previous chapter, Conversation Analysis (CA) has taken as its starting point the organisation of turns within particular interactive contexts. By conceptualising the turn as the basic unit, or 'building block' of interaction, CA practitioners have concerned themselves with 'uncovering the *socially organized features of talk in context*, with a major focus on action sequences' (Atkinson & Heritage, 1984:5, original emphasis). Thus, one of CA's priorities has been to consider every turn as part of a sequence, and as contextually understood by means of its place within that sequence.

Because of the primacy given to turn organisation, it is necessary here to outline the basics of turn sequencing according to the model proposed by Sacks, Schegloff & Jefferson (1978), particularly in relation to turn constructional units (TCUs) and transition relevance places (TRPs). We can consider talk to be made up of TCUs, that is, interactionally complete units, of which each turn consists of at least one. At the completion of each TCU is a possible TRP: a point at which there is the possibility of a change of speaker. Here, one of three things may be observed to occur. Firstly, the current speaker may select the next speaker, as in the following extract:

Extract 3-4: 'Polly', p.1

```
39  IR:  (.) okay? (2.5) d'you want to to tell me in your own
         words what happened.

    IE:  (1.5) I went to Boyd's Bar in ((town name))(.) at
         (.5) quarter to seven (.5) and I had a bottle of
         white wine (.) [to myself]
45
```

By asking a question of the victim, the interviewing officer has selected her to take the floor. Should this not occur, a second option at a TRP is for the next speaker to

self-select. In the data we see very few occasions where a victim self selects – rather, she speaks only when selected by the interviewing officer. This is to be expected – an established feature of institutional talk such as this is that there are 'restrictions on the kind of contributions to the talk that are, or can, be made' (Drew & Heritage, 1992:25). Like an interviewee on a news programme, or a witness in court, a complainant is generally not expected to self-select or initiate sequences.

In addition to turn organisation, the way turns are sequenced can be characteristic of particular types of interaction. Perhaps of primary interest here is the significance of question form. Question/answer pairs are adjacency pairs, that is, 'organised patterns of stable, recurrent actions that provide for, and reflect, order in conversation' (Schiffrin, 1994:236). As such, the non-occurrence of the second pair part (in this case, an answer) in response to the first (a question) will be heard as 'officially absent' (Schegloff & Sacks, 1973). So systematic is this pair-wise organisation that the mere positioning of a second part next to a first 'can provide a basis for assumed relevance' (Schiffrin 1994:237). Furthermore, the 'next' position offers the speaker a point at which to be made aware of the hearer's evaluation of the initial utterance, and presents an opportunity for the hearer to demonstrate their understanding of, or orientation to, the prior utterance. Further to this, a preference for a particular *type* of second pair part can be structurally indicated.

A feature of natural conversation, often considered within CA to be the primordial form of talk to which all other types of talk are linked, is that turn order and turn size is not fixed, but varies, and that participants have equal rights to speak (Sacks, Schegloff & Jefferson, 1978). Constraint on certain participants' permissible turn types, on the other hand, is a consistent feature of certain types of institutional discourse (Conley & O'Barr, 1998), and it has been established that participants in such discourse have differential access to the floor: 'access to sequential structure is asymmetrically distributed across social position, thereby constituting a major resource for domination in talk' (Matoesian, 1993:100). Hence, as well as being denied the possibility of self selection in this context, interviewees are further restricted by constraints on the type of turns they can contribute – that is to say, they are only permitted to produce 'answers'. Both the length and the type of their turns is subject to constraint, as can be seen in the following extract.

Extract 3-5: 'Angela', p.3

```
165  IR:  and how many of those would you say you had?

     IE:  I think it was three.

     IR:  (2.5) and were they always the same amount?=
170
     IE:  =yeah.

     IR:  (1) and who bought you those?

175  IE:  Steve.
```

The initial turn in each of the three pairs in *Extract 3-5* requires a particular type of turn to follow it, in this case a short answer. This exchange demonstrates clearly that the officer not only has the power to preallocate turns, but also to manage the sequence type and frame the topic of the victim's turn, restricting her answer through manipulation of question form. The next section moves on to explore one particular type of first-pair part that is frequently produced by interviewers, a particular type of confirmation-seeking question known as formulation.

3.3.2.1 Formulations

Garfinkel & Sacks define formulations as points within conversation where a participant takes the opportunity to 'describe that conversation, to explain it, or characterize it, or explicate, or translate, or summarize, or furnish the gist of it…' (1970:350). Thus, formulations provide a resource for participants to reach an agreement on the meaning of what has gone before: 'the introduction of a formulation enables co-participants to settle on one of many possible interpretations of what they have been saying' (Heritage & Watson, 1974:123).

Formulations are reflexive, that is to say they engineer a 'folding back' of the conversation upon itself. If we take as a basic premise of CA that participants are constantly performing actions through talk, then the action being performed in the production of formulations is a '…saying-in-so-many-words-what-we-are-doing (or what we are talking about, or who is talking, or who we are, or where we are)' (Garfinkel & Sacks, 1970:124). While other-repair in the form of simple repetition of one's co-participant's prior utterance might go some way toward demonstrating an

understanding of that utterance, 'unequivocal displays of understanding can be achieved by producing a transformation or paraphrase of some prior utterance' (1970:129). An example appears in *Extract 3-6*.

Extract 3-6: 'Emily', p. 3

```
154  IE:  (.6) I crossed (.) over (.8) and then a- (.7) this
          lad   app↑(h)eared from (.7) well it must have been
          inside Lunar (1.3) asking me who I was waiting for
          and told me I was getting aggressive with him (.8) so
          he started (1) being snappy to me and (.2) ((curls
          upper lip)) I didn't- I wasn't- (.) bothered about
160       talking to him (1) and then when my sister in law
          came we just went in the (.9) went in went straight
          to the bar.

     IR:  °okay° (1) so (.4) this lad (1) er you said he just
165       appeared but you assumed that he'd come out of (.6)
          [Lunar.]

     IE:  [yeah.] ((nods))
```

The bold segment of *Extract 3-6* demonstrates the officer's attempt to confirm his (and the audience's) understanding of what Emily has said, and provides a summary of the meaning of the first part of her turn. Furthermore, it goes some way towards transforming her utterance 'he must have come out of Luna' into something more fitting with an institutional voice – that she was making an assumption. This relexicalisation is an important element of formulations in this context that is fully explored in Chapter 6.

As well as making explicit one participant's understanding of what is being or has been said, formulations require this understanding to be ratified by the other participant(s). More specifically, formulations fill the first pair part slot in adjacency pairs, where a confirmation or disconfirmation is expected to fill the second pair part slot. As with many other actions, such as invitations, requests and so forth, a positive response, that is, a confirmation, is the preferred reception. Line 168 of *Extract 3-6*, 'yeah', demonstrates just such a preferred response, with Emily endorsing the interviewer's gloss in an overlapping segment.

A direct and unmitigated disconfirmation, Heritage & Watson explain, has the potential to disrupt the ongoing talk and 'initiate a search for a fresh basis on which concerted comprehension can be established' (1974:144). As a result, disconfirmations are often combined with confirmatory elements, much as rejections of invitations incorporate justifications for the rejection, in order to soften the negative effects of such dispreferred utterances. An example appears in the following extract, where the interviewer glosses the regularity of the complainant's meetings with the suspect prior to the attack as 'every week':

Extract 3-7: 'Angela', p.12

```
629  IR:  (1) so you'd see him every week

     IE:  °yeah (.) when we were growing up° ·shih but when I
          used to be poorly I used to go and stay there for
          like (.) when I used to come out of hospital with my
          ((health complaint)) I'd (.5) go there for a week
635       til I (.) recovered you know […]
```

The gloss is partially accepted by Angela ('yeah when we were growing up') before she indicates that in fact at times the contact was more prolonged than might be suggested by the officer's formulation – she thus succeeds in challenging the original interpretation, or at least in clarifying it. Given the asymmetrical nature of the interaction, however, and the fact that formulations by their very nature preserve the interviewee's principalship, it is worth questioning how frequently such challenges are actually produced. As the analysis will go on to show, many formulations, though inaccurate (sometimes potentially damagingly so), are nevertheless accepted wholesale by interviewees as an accurate representation of their own words. All these processes of negotiation, transformation and resistance will be subject to scrutiny in the analysis.

One important function of formulations is the translation of the interaction into something 'preservable and reportable' (Heritage & Watson, 1974:149). As touched upon in the earlier discussion of footing, there are many parallels to be drawn between this particular type of discourse and other types with an overhearing audience, for example news interviews. Formulations are one site where evidence of orientation to

this audience – or shifts in footing – can be observed (Heritage, 1985). So, it may not seem surprising that they are so prolific in the current data: the purpose of the significant witness interview, after all, is to produce a version of events of investigative and evidential value to some future audience, be that investigating officers, the Crown Prosecution Service, the courts, or a combination thereof. More significant in this context, then, is precisely *how* the interviewers' choose to formulate interviewee contributions. As Heritage & Watson point out, formulations have three central properties: preservation, deletion and transformation (1974:125). Identifying the elements that are preserved, deleted, and transformed has the potential to reveal underlying assumptions of the interviewers and the police institution as a whole. It is this process that will allow us to bridge the gap between analysis at the micro level of conversation and the contextualising of these patterns in relation to institutional ideologies.

3.3.2.2 Reported Speech

The use of reported speech (RS), the practice of 'reporting...the words of other people' (Stokoe & Edwards, 2007:338) in spoken interaction has been an object of interest to discourse analysts for some time, and is recognised as a means by which a speaker 'detaches her/himself from the proposition in the reporting clause, since s/he attributes to somebody else the responsibility of averring what comes after the reporting verb' (Caldas-Coulthard, 1987:152). It has been noted that RS also functions 'to clarify, to provide clear factual information to hearers' (Bublitz & Bednarek, 2006:552). A distinction is generally drawn between *direct* speech, or quotation, which purports to report the exact words said, and *indirect* speech, or paraphrasing. Direct quotation '*imitates* or presents the reported speech event from the perspective of the reported speech situation' (Lucy, 1993:18, original emphasis). Indirect speech, on the other hand, purports to represent only the gist of what was said, as opposed to the words – it 'foregrounds or introduces the effective *content* of the original utterance with respect to current concerns' (Lucy, 1993:19, original emphasis). Although there is a long-held lay assumption that direct speech holds a greater degree of accuracy than indirect speech, research has shown that even direct speech is 'rarely an accurate rendition of the original locution' (Holt & Clift, 2006). This is supported by psycholinguistic research, which suggests that verbatim recall is unusual, and people are able to remember only around five percent of the words used

in a five-minute stretch of conversation (Hjelmquist, 1984, in Coulthard, 2004). It is the content, or gist, of a stretch of talk, that is more likely to be remembered than the actual words.

Since in indirectly reporting speech a speaker has a great deal of flexibility in terms of how they represent what was said, the process has been noted as 'a powerful instrument in mystifying...principalship' (Bublitz & Bednarek, 2006:552). Furthermore, inasmuch as indirectly reporting speech involves paraphrasing, it allows the reporter to alter the wording, or authorship, of an utterance, while maintaining the *original* speaker as principal. Along with formulations, then, RS is thus a site for potential transformation of interviewees' accounts.

 In the context of police interviews, research on reported speech has focussed on it in the reports of *interviewees* talking about neighbourhood disputes (Stokoe & Edwards, 2007), and in the talk of *interviewers* as a resource for negotiation. Interviewers' paraphrasing of absent witnesses is a means by which they present alternatives to a suspect's version of events, thereby inducing the suspect to reformulate their account in a more institutionally valuable way (Johnson, 2008). The risks of this practice seem obvious – as Johnson explains, '[suspects] may feel they have been talked into something they later do not stand by' (2008:346). Haworth (2009) extends this discussion to instances where interviewers ostensibly quote the *interviewee's* 'own words' back to them. As she points out, an interviewer often 'alters the [interviewee's] words subtly but significantly, re-casting the scene described in a different light' (2009:200). It seems plausible that when the speaker being paraphrased is not an absent witness but the interviewee themselves, the risk involved in reporting speech is even greater. As well as potentially feeling that the negotiation process has produced a skewed portrayal of events, interviewees whose *own* words have been inaccurately attributed to them are likely to feel the pressure to an even greater extent. Haworth's observations, however, relate to the context of suspect interviews, where interviewers can be seen to re-word interviewees' earlier contributions to foreground or highlight their involvement in criminal activities. The purpose of including an analysis of RS in the current study is to uncover its effects in a context where there is no *apparent* vested interest in re-casting the events reported by the interviewee.

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Like formulations, reported speech is reflexive, in that it refers *back* to earlier talk. As discussed in Chapter 2, significant witness interview guidelines stipulate a phased approach to interviewing, with the interviewee encouraged to provide an uninterrupted free report before questioning begins. The use of interviewees' 'own words' by interviewers, functioning variously to re-orient interviewees to relevant stretches of their free report, provide a basis for subsequent questions, or in itself act as an elicitation, is the focus of the current study's interest in reported speech. As touched upon earlier, reporting interviewees' earlier talk back to them is a logical means by which interviewers can reactivate elements of the free report in order to develop more detailed probing, while also attempting to ensure that 'questions relate only to what the interviewee has already said in the earlier free report' (Milne, 2004:25). However, bearing in mind the inability of the human brain to retain much information about the exact words used during an earlier speech event, it is inevitable that some elements of the original account will be absent from the re-presented version, and the elements that remain are likely to have undergone some degree of transformation. The actual words chosen by the interviewer to represent propositions previously expressed by the interviewee have the potential to construct meanings which differ from those the interviewee may have originally intended.

In the context of rape investigations in particular, the importance of such processes cannot be overlooked. Victims often face criticism during cross examination on the basis of inconsistencies between their statement and their testimony, and the two methods of analysis described in this section have the potential to uncover some of the means by which these supposed inconsistencies arise.

3.3.3 Discursive Psychology (DP)

The approach to discourse associated with Edwards & Potter (1992) and Potter & Wetherell (1987) does not present an alternative to CA *per se,* but is better defined as 'the application of principles and methods from discourse and conversation analysis, and increasingly CA, to psychological themes' (Edwards, 2005:258). Defining three central strands of Discursive Psychology (DP), Edwards cites its primary interests as being:

(i) respecification and critique of psychological topics and explanations;

(ii) investigations of how everyday psychological categories are used in discourse;

(iii) studies of how psychological business (motives and intentions, prejudices, reliability of memory and perception, etc.) is handled and managed in talk and text, without having to be overtly labeled as such.

(Edwards, 2005:259)

It will be the third of these strands that informs the current study, as it seeks to uncover from the talk of participants how they perceive particular actions and behaviours. As Edwards puts it, 'what makes it discursive psychology is the way in which psychological themes such as motive and intent, agency and involvement, are managed as part of talk's business' (Edwards, 2005:262). Given the social context of sexual violence and the existing mythology around it as described in Chapter 2, the DP tools described in the following sections will allow for a detailed examination of the 'common-sense' assumptions being relied upon by participants, and how perceptions of blame or responsibility are manifested in their talk.

3.3.3.1 Interpretative Repertoires

Interpretative repertoires are ideologically-rooted resources drawn on by language-users in order to explain particular social phenomena (Wetherell & Potter, 1992). Evidence for them in talk often takes the shape of 'broadly discernible clusters of terms, descriptions and figures of speech often assembled around metaphors or vivid images' (Potter & Wetherell, 1995:89). Although they do not form an individual analysis in the current study, a brief description of interpretative repertoires is required by way of explanation for some of the patterns uncovered by the analyses of reported speech, formulations and excuses and justifications (see below), and is motivated by the findings of Coates, Bavelas & Gibson (1994) in relation to sexual assault trial judgements (see Chapter 2). Coates *et al.* found that the only repertoires available for evaluating sexual assault are violent stranger rape and consensual sex – and that neither of these seems entirely fit for purpose in the majority of rape and sexual assault cases. Since the notion of interpretative repertoires is discussed in

relation to the analyses in Chapters 5-7, an explanatory example is presented in *Extract 3-8*.

Extract 3-8: 'Angela', p. 4

```
200  IR:  auntie (.) e:rm when you lived there how would you
          say your relationship with w- e:rm was with him then?

     IE:  good (.) it was like brother and sister (.)·shih

205  IR:  and how would you descri::be a brother and sister
          relationship?

     IE:  like clo:se (.) get on really well

210  IR:  (8) had he eve::r made any (.) sort of (.) moves
          towa:rds you sexually [ever]

     IE:  [never]
```

Since in this context the officer's goal is the collection of evidence, we must assume that any questions she asks are designed to achieve that goal. We must therefore hear her question on line 210 as relevant to the issue of the interviewee's claim of rape. The phrase 'make a move' is arguably associated with consensual romantic relations, or at least with a process of negotiation. Thus, the use of the term contributes to rendering the aggression as less threatening than the victim's account had suggested – perhaps more a case of misunderstanding than anything else. Because constructions that signal particular themes drawn from these pervasive repertoires are often associated with one of the other phenomena selected for analysis, this section will now move on to a description of the final analytical tool to be drawn on in the current study.

3.3.3.2 Accounts: Excuses & Justifications

The final analytical tool to be utilised is drawn from the social psychology literature (Potter & Wetherell, 1987), and concerns the *accounts* that are provided by interviewees for their reported behaviour. First conceptualised in the work of Austin (1961), accounts are produced 'when people are explaining actions which are unusual, bizarre, or in some way reprehensible' (Potter & Wetherell, 1987:74), although it must be borne in mind that the status of an action as unusual, bizarre or reprehensible is subjective and entirely socially constructed. This point forms the basis of Austin's

claim that analysis of accounts can reveal 'the nature of the normal' (Potter & Wetherell, 1987:75), in that they are produced in situations where participants perceive some kind of failure in 'normal' behaviour. Austin made a distinction between two types of account: excuses, which acknowledge that an action was inappropriate but that the producer was not fully responsible for it, and justifications, which accept responsibility but claim that an action was appropriate given the circumstances. Both types of account have been labelled 'defence components' elsewhere (Atkinson & Drew, 1979), since they are those elements of a turn that qualify the response that has been provided.

In the CA literature, accounts are usually discussed inasmuch as they tend to be performed alongside dispreferred responses; in rejecting an invitation, for example, a speaker may provide information about a prior engagement as a means by which they can avoid any implication that the invitation was unwanted. Thus, accounts provide a way of performing dispreferred responses while avoiding as far as possible any negative or critical consequences. Keeping in mind that 'causality and responsibility are often handled indirectly, not by overt claims (from given facts) about causes and agency, but through the building of factual descriptions' (Edwards, 2005:261), we are unlikely to hear an interviewee assert 'it is not my fault I was raped'. Instead, we might expect, given the findings of Atkinson & Drew (1979), that interviewees construct accounts with factual descriptions that counter any *projected* blame-implicative questioning. Atkinson & Drew (1979) note that witnesses in their data set often gave 'qualified confirmations' (1979:136) in response to questions from barristers, and that these can indicate that the witness *anticipates* that a question is leading to some blame allocation. Producing a qualified answer – that is, an answer with an explanatory component such as an excuse or a justification – mitigates the implication of blame. Thus, the findings of Atkinson & Drew suggest that the overwhelming majority of such components occurred in response to questions 'which do not appear to directly or formally accuse the witness' (Atkinson & Drew, 1979:136). To demonstrate, an example from Atkinson & Drew is reproduced below.

Extract 3-9: from Atkinson & Drew, 1979:137

```
 8   C:   What did you do at that point?

 9   W:   I was not in a very good position to do anything. We
10        were under gunfire at the time.
```

Note that Counsel's (C's) question on line 8 does not contain an accusation or display any form of blame implication, nor does it request an explanation. The witness nevertheless produces a response on line 9 that contains a reason for his (in)action. The response is designed to defend, or justify, the witness' lack of action, by explaining the constraints on his ability to take any. It thus flags the lack of action as in need of explanation, thereby revealing that action of some kind would ordinarily be expected in the circumstances.

Although Atkinson & Drew, as Conversation Analysts, unsurprisingly focus on defence components only in relation to their implications for the sequential organisation of the talk in which they occur, in the context of the current study an analysis of these components also has the potential to be revealing of cultural assumptions. As discussed in Chapter 2, there is a set of widely held and deeply ingrained beliefs about sexual violence, and a large sub-set of these relate to judgements about victim blame and responsibility. These have been shown to recur in the accounts provided by perpetrators of sexual violence to defend their actions (Scully & Marolla, 1984), but it has also been demonstrated that victims rely on the same cultural resources in their attempts to make sense of the crime. Wood & Rennie (1994), for example, identify the construction of multiple versions of blame and responsibility in their research interviews with rape victims, and note that these constructions often rely on hegemonic male perceptions. Examining the interviewees' perceptions of what behaviour on their part requires a defence is therefore an established method by which dominant assumptions can be drawn out and commented upon in the present study.

3.3.4 Summary

The analytical tools described above combine to provide a wide-ranging package, tailor-made to suit the aims of the study. An analysis of footing provides an insight into the overall structure of the phased Significant Witness Interview (SWI) and the

preferred roles for the participants during each phase. Uncovering the discursive means by which a shift from a traditional, highly formal and goal-oriented interview to the relatively newly- recommended, personalised, interviewee-led interaction is achieved has the potential to highlight instances of tension between these two extremes, or 'disorders of discourse' (Wodak, 1996). Fulfilling SWIT recommendations, (essentially, achieving 'conversationalisation' (Fairclough, 1992)) while simultaneously fulfilling the institutionally defined goals of the interview is likely to pose a significant challenge to interviewers, and their success at negotiating this tension comes under particular scrutiny in Chapter 4.

A bottom-up examination of formulations and reported speech allows for a more detailed exploration of methods by which preferred footings are maintained. These two interactional resources, as well as being a means by which interviewers can ensure interviewees retain the authority behind particular elements of accounts provided during earlier phases, also function in several other ways that have implications for the quality of the interview. An analysis of these two reflexive phenomena also has the potential to begin to uncover some of the assumptions made by interviewers and the police institution, both in terms of what holds investigative and evidential value, and in terms of perceptions of rape in a wider social context.

Normative assumptions surrounding rape can be further illuminated with an analysis of the interpretative repertoires that participants draw on, particularly those that inform the excuses and justifications produced by interviewees for their own behaviour. It has been claimed elsewhere that 'cultural patterns of meaning provide a repertoire of arguments in response to rape claims that can be utilised in the service of victim-blame' (Anderson & Doherty, 2008:132), and the final analytical chapter aims to assess the influence of these repertoires on both participants' talk in the context of SWIs.

Thus, the selected tools comprise a combination of micro- and macro- level approaches to analysis, which allow for the positioning of the current study as a potential contribution both to recommendations for improvement in SWI techniques and to feminist critical discourse analysis.

Chapter 4 : Who is speaking, and to whom? Footing in the Significant Witness Interview

4.1 Introduction

This chapter reports on the first stage of the analysis, the aim of which is to explore the ways in which various footings are activated throughout the interviews. As discussed in Chapter 3, speakers can occupy a number of different roles in relation to an utterance, and can attribute other roles to other parties. Furthermore, as already discussed, the primary *recipient* for much institutional talk is not the interviewee, but an overhearing audience. Particular discursive behaviours reveal orientation to particular participant roles. How this is demonstrated during different phases of the interview is an issue to be explored in this chapter.

Different phases of the interview are characterised by a preference for different footings. In line with Heydon (2005), this can be explained in terms of the various goals of each interview phase, which were explored in Chapter 2. If an institutionally defined goal of the opening phase is the building of rapport, for example, then an orientation to this goal should be observable in the language of the interviewing officer. As well as identifying evidence for orientation to and preference for particular footings at different stages of the interview, the way in which shifts between them are achieved will be a further concern of this chapter. Different interviewers achieve the shifts in different ways, and their choices may have serious implications for the overall quality of the interview. For example, a successful shift from the rapport phase, where the institutionally defined goal is to put the interviewee at ease, to the free recall phase where she is required to provide a narrative 'in her own words', is likely to produce higher quality evidence than one in which the shift is managed unsuccessfully, with the preferred framework remaining unclear.

As discussed earlier, the producer role occupied by a speaker is an indication of the speaker's relationship to the utterance – either as the principal, author or animator of the message, or a combination thereof. In institutional discourse, the role of principal is often attributed to some third party – that is, the speaker distances themselves from responsibility for the utterance. In the contributions of interviewers there are several

cues that indicate the police institution, not the individual officer, occupies these roles. Much as Heydon (2005) found in her corpus of police-suspect interviews, this footing is most frequently invoked in the Opening stage of the interview, where several institutionally defined goals must be achieved. Each of the officers orients to this footing using a range of strategies. There are also several identifiable cues to signal that, during the Free Report phase, a footing whereby the interviewee occupies all three roles is preferred – despite the interviewer often already being in possession of some of the information. Only during the Probing phases does it appear to be appropriate for officers to display this knowledge, and when they do so, the methods and effects vary significantly across interviewers. It is also worth reiterating here the SWI recommendations for personalisation and putting the interaction on an 'equal' footing – how is this reconciled with the pursuit of a wholly institutional agenda?

In the case of police interviews, the unseen audience is represented by the tape recorder and the camera. In effect, the cameras and other equipment are the eyes and ears of the eventual audience of the interaction – that is, the Crown Prosecution Service and potentially the Court. The extent to which the participants in such talk orient to this absent audience in suspect interviews has been discussed elsewhere (Haworth, 2009). One aim of this chapter is to investigate whether and how participants in these significant witness interviews can be heard to do the same, and how the institutionalised preference to do so is displayed. In light of the fact that officers' training in this regard recommends the personalisation of the interview, we might expect to see evidence of preferences that diverge from the typical orientation to an absent audience, and instead seek to bring the interaction closer to ordinary conversation. Methods by which this is attempted will also be explored.

4.2 Opening Phase: Rapport and Explaining the Aims

The goals of the first interview phases as set out in SWI training are greeting and personalising the interview, establishing rapport, and explaining the aims of the interview. The latter includes explanation of focussed retrieval and concentration, instructions to report everything, and transfer of control to the interviewee. However, on inspection of the data it is clear that officers also perceive the opening phases to be the appropriate time to have certain details confirmed 'on the record' – a process

which we would perhaps associate with the more 'traditional' police interview context. Interviewers often refer tacitly to their own status as a representative of the police institution, as demonstrated in the following extract.

Extract 4-1: 'Emily', p.1

```
 9  IR:  [...] (.5) my name's Benjamin Smith I'm a police
          officer  at ((town name)) CID (.4) and I've been asked
          to come and speak with you today (.5) to start off
          could I ask you to introduce yourself by giving us your
          name and your age.
```

In *Extract 4-1*, the interviewer makes use of the passive voice to refer to the institution he represents, 'I've been asked to come and speak with you...' on line 10. By making reference to his role as a mouthpiece for an absent, unnamed party, the officer has paved the way for the institutionally required questions that follow, and mitigated the potential conflict arising from asking questions to which it is likely he already knows the answers. The officer interviewing 'Angela' displays similar institutionalised habits, as shown in *Extract 4-2*.

Extract 4-2: 'Angela', p.1

```
15  IR:  you (.) e::m (.) my name's Elaine, PC Moreton from
          ((town name)) police station •hh e:rm (.4) and we're
          here today to talk about an incident that occu:rred
          last night is that right?=
```

The identification of herself by rank and affiliation, evident in the majority of the interviews, functions to project the interviewer's professional identity, and thus attributes responsibility for the content of much of her utterance to the police institution. Her self-identification is formulated in this way because it fulfils institutional requirements –essentially, it is scripted. In that it forms part of a police officer's professional script in their day-to-day work, it conveys a message on behalf of the institution, and not the individual. On lines 16-18 known information is reproduced and offered for the interviewee's confirmation for the benefit of the overhearing audience - 'an incident that occurred last night is that right?'. It seems safe to assume that the interviewer knows why they are there, and thus the question is

not asked for her own benefit. Furthermore, the construction of this information can be recognised as both a typical feature of police language and a useful device for maintaining a degree of neutrality, on the basis of obscuring the agent responsible for the 'incident'. That a request for personal details is made on behalf of the police institution is often made rather more indirectly, as in *Extract 4-3*, below.

Extract 4-3: 'Becky', p.1

```
 39   IR:     yeah •hh (.2) e:rm (.) there's a couple of
 40            technicalities before we start what's your full
               name please?

      IE:     Becky Howard.

 45   IR:     (.6) •hh and your date of birth Becky.=

      IE:     =seventh of the eighth nineteen seventy eight.

      IR:     and where d'you live.
 50
      IE:     number three Whitbury Place Hesslington Square
               ((town name)).
```

Describing the utterances he is about to produce as 'technicalities' effectively transfers responsibility for their content to the institution the officer represents – and with good reason. It is likely that he is already in possession of much of this information, and establishing the details on the record is an institutionally defined goal, over which he personally has little control. Perhaps pre-empting any confusion on Becky's part as to why he is asking questions to which he already has the answers, the officer labels the following question-answer sequences as 'technicalities', thus differentiating them from 'proper' questions (i.e. those where he is responsible for the content). Further evidence of this appears in the form of the metadiscursive comment 'before we start' – displaying unequivocally that the interview proper, characterised by questions designed by the interviewer and answers designed by and attributable to the interviewee, has yet to begin. These metastatements about the discourse are recurrent throughout the data and provide evidence for officers' orientation to the interview structure.

The interviewer in *Extract 4-4,* for example, also displays an awareness that the 'interview proper' has yet to begin – furthermore, it is also evident that it is the officer who is in control of when one phase ends and another begins.

Extract 4-4: 'Angela', p.1

```
21  IR:  (.5) before we start (.) e::rm (.) chatting about that
         Angela •h can you just confirm y- your name and your
         date of birth.

25  IE:  Angela Worthington twenty fourth of the sixth seventy
         five. [•shih]

    IR:  [°right°] (.) and where do you live Angela? =

30  IE:  =eleven Clearmount Road.

    IR:  okay •hh (2.5) so this intervie:w is commenced at ten
         thirty four.
```

Again the officer refers forward to the discourse that is about to take place with the metastament 'before we start...chatting about that' on line 21, indicating that there are some tasks to be performed before Information Gathering begins. Thus, the confirmation 'on the record' of Angela's name, date of birth and address on lines 25 and 30 is not considered to belong to the 'interview proper' – the start of which is signalled by the officer's formal time check on lines 32-33. It is important to note here, however, that one participant being so obviously in control of the direction of the discourse is peculiar to, and typical of, institutional language. One would be unlikely to hear in ordinary conversation one party informing the other of what will be talked about now, what will be talked about later, or (as in *Extract 4-4*), that the conversation has officially 'started'. It would be equally unlikely in interview discourse to hear an interviewee engage in such behaviour. It is possible then, that performing these institutionally required tasks represents a threat to attempts at conversationalisation.

The data nevertheless demonstrate some officers working to achieve the goals that are explicitly recommended in SWI training. In the following extract there is evidence that Ellen's interviewer is aware of the recommendation to transfer control to the interviewee.

Extract 4-5: 'Ellen', p.1

```
44   IR:   (1) tt right okay then (1) e:rm so we'll start
            e:r (.6) the interview at thirteen twenty eight
            hours (.3) just make a note of that •hh and it's
            e:r Saturday the twenty second of September two
            thousand and seven. (1) tt •hhhh my name's PC
            sixteen fifty three Lisa Ware from ((town name))
50          police. (.6) o:kay (.8) •hhh e:rm (.9) and I've
            come to talk to you today or- I want you to talk
            to me today about erm (.4)[...]
```

From line 44 onwards the officer projects her professional identity through a number of formulaic, 'policespeak' utterances. The self-repair on line 51 further highlights this professional script – while perhaps familiar with 'com[ing] to talk' to people as part of her more general duties, in discharging this relatively infrequent task she modifies the formula to 'I want <u>you</u> to talk to me'. This displays an awareness of recommendations to allow witnesses maximum control of the interaction, and further demonstrates a tension between the familiar asymmetrical format on one hand, and the recommended 'equal' footing on the other. Even inasmuch as the interviewer attempts to put Ellen in control, the fact that she is in a position to assert what it is she wants from the interaction displays her interactional and institutional power.

The peculiarity of the way in which certain information is formulated due to institutional conventions is sometimes audibly oriented to by officers. In 4-6, for example, the officer flags the use of twenty-four hour timing as potentially problematic with a joke.

Extract 4-6: 'Natalie', p.1

```
 8   IR:   °right° (unclear) light on over here (blinds are
           always closed)((bangs)) °that's fine that's better°
10         (3) ((sits)) (1)rig(g)ht (.) okay (1.1) ↑okay (.6)
           it's u:m (.) first of April two thousand and seven
           (.4) it's now e:r eighteen (.) eleven >that's eleven
           minutes past six if you're not European< (.)o:kay .h
           and erm (.) we're in ((town name)) (.) erm interview
15         suite (.8) erm f:or the purposes of the tape can you
           just (.) give us your name your full name?=
```

In an utterance that displays his awareness of the unnaturalness of referring to time in this way, the officer reformulates on lines 12-13 to produce a construction more

befitting of ordinary conversation. This shift can be considered to be a function of the interviewer's goal to diffuse the institutional voice, and to build and maintain rapport with the interviewee. It is unclear whether there is any statutory requirement for time-checks to be performed using the twenty four hour clock. If not, we might want to question why this interviewer did not produce the more 'ordinary' twelve –hour check in the first place. His choice to begin with the twenty-four hour clock, despite his later 'correction', is indicative of his institutional role. On lines 14-16 the talk reverts to being quite latently non-conversational, with a location check and request for personal details that are produced 'for the purposes of the tape'. As a formulaic piece of policespeak and a reference to the overhearing audience, this phrase in itself could be said to represent a threat to personalisation, which is audibly oriented to by some interviewers. In the extract below, for example, there is evidence of the interviewer's orientation to the absent audience, which she quickly subjects to 'correction'.

Extract 4-7: 'Angela', p.1

```
8   IR:   •hh right Angela (.) e::m (.5) just for the:: (.7) to
          explain everything you're here in the: video suite and
          as I've explained to you that there's a camera (.) just
          above •h and everything that we sa:y is gonna be tape
          recorded (.) you understand that [don't]
```

On line 8, the interviewer begins with the discourse marker 'right', alongside nominating Anglea, which in this context signals the start of the Opening phase (the only talk occurring prior to this is between the interviewing officer and a second unseen officer in the adjacent recording room). The interviewer then constructs an interesting self repair, moving from what would presumably have been 'just for the record' or 'benefit of the tape' to 'just...to explain everything'. The effect of this is to transform what would have been an obvious piece of institutional scripting, produced for the absent audience, into a decidedly more interviewee-focussed construction. Thus, the utterance has the appearance of being directed towards Angela as an individual, even though its purpose is actually to ensure the location, explanation of equipment, identification of the officer and purpose of the interview are all produced and confirmed 'on the record'. Successfully invoking a conversational footing is

likely to result in features which have been identified as typically absent from interview discourse, and an example appears in the next extract.

Extract 4-8: 'Becky', p. 4

```
195   IR:   (.) you're twenty eight. (.4) °right°. (.3) •hhh u:m
            (.5) and who do you live at this address with?

      IE:   (.) my little girl.

200   IR:   (.) you're little girl (.9) •hh °right° (.4) um how
            old's your little girl?

      IE:   she's eleven=

205   IR:   =ele[ven not so little is she!]

      IE:   [she's not that little! NO!]

      IR:   not so little. (.) °right° (1.7) °fabulous° and e:r
210         (3.7) are you still in contact with- with he:r (.) dad
            or [>anything like that?<]
```

The interviewer's evaluation on line 204 'eleven not so little is she!' would suggest that this is in fact news to him; he is aligning himself as a news recipient and as principal behind the message, and is therefore relatively successful in personalising the interaction. Further evaluation in the shape of 'fabulous' occurs on line 209. Evaluative items are not typical of third turn receipts in institutional discourse (Heritage, 1985), and are not recommended in interview training for obvious reasons: 'qualitative feedback...may give the interviewee the impression that this is the type of information required and can be judged by courts as rewarding certain types of utterance' (Milne, 2004:23). However, when discussion is on these rapport-building topics as opposed to the central events, it is easy to see their advantages. They are a device the interviewer has exploited in his pursuit of personalisation. Further evidence for successful conversationalisation of Becky's interview comes in the means by which the interaction progresses from the rapport phase to the free report. The transition is reproduced in *Extract 4-9*.

Extract 4-9: 'Becky', p.6

```
316   IR:   =that's all •hh (4.1) so y- you're getting on
            alright with Nathan then.

      IE:   (.) yeah (.) we had a rocky bit co- (.3) bout a
320         month ago couple of [months]=

      IR:   [mm]

      IE:   =ago •hh but we se- definitely settled himself down
325         and pulled his socks up bless him! hehehe [•hh]

      IR:   [hmmhmmhmm]ah(1.6) °good.°

      IE:   last night we- until that was probably one of the
330         nicest nights we've had out heh •hh

      IR:   mmm

      IE:   (2.4) I really felt like it was getting (.3)
335         somewhere.

      IR:   °mmm° (.7) was last night (.3) just a: an off the
            cuff thing or was it an arranged night out?

340   IE:   •hh I'd asked if we could go out on the- the
            Saturday anyway but we hadn't arranged to go: to
            the football club (.) we were just gonna go to town
            (.) um (.4) so we went to town and met my friends
            for a couple of drinks,
345
      IR:   °mmm°=

      IE:   =um (.2) and then we went back to th- the football
            club cos it was: one of the boys is going in the
350         RAF?

      IR:   °right°

      IE:   and he was having a leaving do so Nathan had gone
355         over during the da:y (.6) for a couple of drinks
            with them then, (.5) U:m and obviously I said 'oh
            ((maybe)) go back' (.) after we've been to see my
            friends for a little bit.

360   IR:   °mmm° (2.3) °mm° (4.9) what I'd like you to do now
            (.) er Becky is to: e:rm (1.9) start at the
            beginning of (.) last night y'know like where you
            were before you went out and were you together did
            you meet up o:r whatever. [•hhhh]
365
      IE:   [°okay°]
```

Although we can identify 'what I'd like you to do now...' on line 360 as the point where the free report phase begins, it is interesting to note that the lead up to this point, although still forming part of the Opening, represents a gradual, step-wise build towards the topic of the previous evening's events – a build in fact instigated by Becky on line 334. Since step-wise topic progression is generally considered to be a

feature of conversation, and less so of institutional discourse, and since it is logical that only participants of an equal or superior status can instigate topics, this represents yet another resource for the conversationalisation of the interaction. Becky's interview differs from the others in that there is a prolonged period of discussion about neutral topics before the 'interview proper' begins – that is, before the topic of events surrounding the attack are touched upon. The 'natural' progression to the topic of the previous night's events is likely to be a result of this prolonged neutral discussion, and demonstrates the benefits of investing time in the opening phases.

As already mentioned, an interviewer applying good practice would use the opening phases to prepare the interviewee for what to expect during information gathering – that is, during the free report and questioning phases. The preferred framework during information gathering is one in which the interviewee occupies the roles of principal, author and animator. In the following example, the interviewer can be heard preparing Polly for these roles.

Extract 4-10: 'Polly', p.1

```
10   IR:   (3) like I said (.5) I wasn't there (.) so I want you
            to tell me absolutely everything you can (.) I want
            you to use all your senses that you can your m- it's
            not just what you saw it's what you heard what you
            smelt what you touched just- because everything's
15          important mm? (.5)[...]
```

The choice to emphasise the officer's personal lack of knowledge about events and desire to hear the full story through the use of the first person (in bold) minimises the audibility of the institutional voice. Again, the impression is given of an interaction approaching ordinary conversation, rather than institutionally governed talk. The institutionality is not entirely absent, and is revealed by the officer's explicit control over how the talk will progress 'I want you to...'. However, repeated use of the first person in an active role can be seen as a device for establishing rapport with an interviewee – compare *Extract 4-10*'s 'I wasn't there...I want you to tell me absolutely everything' with *Extract 4-1*'s 'I've been asked to come and speak with you...'. There is a marked contrast in who is ostensibly responsible for the message in the two

extracts, creating very different impressions of the two interactions. The officer interviewing Polly continues in this vein, as shown in *Extract 4-11*.

Extract 4-11: 'Polly', p.1

```
19  IR:  [...]so tr- try and use all your senses to tell me
         absolutely everything (1) •hhh what I want is I can tell
         your- you're quite quiet and you- you're particularly
         nervous at the moment about talking to me (.5) •hh but
         (1) because I wasn't there I can't tell you anything (.)
         so what I want you to d- I want you to try and do as much
25       of the talking as you can (1) okay? (.) •hhh I might take
         a few notes as I'm going along •hh but they're just to
         help me more than anything else.
```

In both *Extract 4-10* and *Extract 4-11*, we see the interviewer pursuing the goals of the opening phases as laid out in ECI recommendations: instructions to report everything and use all senses, and the transfer of control to the interviewee. However, on a more subtle level there is also evidence in *Extract 4-11* of the pursuit of personalisation. Firstly, the discussion of her perceptions of the victim's emotional state in the first bold segment starting on line 20, 'I can tell…you're particularly nervous' is arguably not a norm of typical police-public interaction. Rather, it goes some way to enable the interviewer to present herself as a perceptive, sensitive individual, and not as a representative of the institution. Further evidence of her attempts to portray herself in this light appears in segments where she reiterates her lack of knowledge (line 23), which is an appropriate precursor to a request for Polly to 'do as much of the talking as you can' (lines 24-25), in that it disavows prior ownership of any information about the events that are about to be discussed. A further advantage of reinforcing the lack of knowledge is that it presents the officer as a fallible human being, rather than a detached institutional representative. This is further reinforced on lines 26-27, where she acknowledges that she may need 'help' in the form of note taking. Stating that the note taking is 'just to help me more than anything else' begs the question of what is meant by 'anything else'. A possible explanation is that 'anything else', that is the *expected* purpose of notes in a setting such as this, is as part of an institutionally-defined task. Making explicit that these notes do not fulfil that role, that they are for the officer's personal use, performs an important role in shifting the footing of the interaction closer to ordinary conversation.

Extracts from opening phases discussed so far have been concerned mainly with discussing the discourse event itself – what will be talked about, who is expected to do most of the talking, what the purpose of the interview is, and so forth. Since metastatements are not a particularly frequent feature of ordinary conversation, their presence in the majority of the interviews marks the stretches of talk out as clearly belonging to this particular type of institutional discourse. Likewise, explicit reference to the overhearing audience, acknowledgement of the interviewer's institutional role, and use of formulaic 'policespeak' utterances, are all means by which we are able to identify the extracts as belonging to the police interview genre in general, and to the Opening of police interviews more specifically. However, various conversational features are also evident in the extracts presented. Evaluative items, for example, represent a speaker's subjective opinions as well as framing recently provided information as 'news' (Heritage, 1984), and can therefore contribute to personalisation. Similarly, and more generally, an emphasis on one's attributes as an individual, and a backgrounding of those attributes that identify oneself as an institutional representative, can also assist in the construction of a conversational footing.

4.3 Free Report Phase

During the Free Report phase, officers are advised to keep interruption to a minimum, and to provide active listening cues. Thus, ideally, there should be only minimal responses from interviewers during this phase. As already touched upon, it is of vital importance institutionally that interviewees stand as principal and author and of their narratives, as well as animator. If an officer appears to be the principal or author behind a message, the evidence is then opened up to criticism on the basis of 'leading' the witness. The previous section demonstrated how, during the Opening phase, officers prepare interviewees for the activation of this footing during information gathering – including both Free Report and Questioning. Each of the following sections begins by presenting support for the existence of separate phases before examining the methods by which participants, and interviewers in particular, actively orient to the preferred footing of each one.

That the 'interview proper' represents a separate phase from the Opening of an interview is supported by interviewers' use of discourse markers to signal the boundary between the phases. An example appears in *Extract 4-12*.

Extract 4-12: 'Natalie', p.1

```
51    IR:    e:rm •hh if I- if I confuse you by: asking (.)
             certain questions or if there's things that you
             don't understand •hh best to just stop and (.)
             tell me or if I repeat something and it's not
55           correct it's best to just stop me and say •hh
             well that's correct and we'll- we'll try and
             clarify them points.

      IE:    °okay°.
60
      IR:    okay? (.) alright? (5) •hh right so ((clears
             throat))(1) something's happened (.) e:rm it
             woulda been (.) last night yeah or [or Saturday]

65    IE:    [mmm hmm]

      IR:    night going into Sunday morning,

      IE:    mm [hmm]
70
      IR:    [okay] yeah •hh you contacted the police,

      IE:    mm hmm

75    IR:    e::rm (.3) and somebody came from e:rm (.5)
             ((district name)) district,

      IE:    mm hmm

80    IR:    c- came up to see you •hh right •hhh start off
             e:rm (.4) set the scene nice and big (.2) time of
             day where you were (.) yeah (.2) and then just
             basically tell us (.) take us through maybe (.4)
             e:rm (.) alth- I know it's involved (.) being on
85           a night ↓out=

      IE:    =mmmm yeah=

      IR:    =e:rm (.3) •hh so start us off from (.) maybe:
90           >getting ready to go out.<

      IE:    yeah (.3) well just normal girly (.2) getting
             ready [...] ((continues uninterrupted for around
             3 minutes))
```

While the interviewer's first turn clearly belongs in the Opening phase, functioning as it does to explain the interview procedure, by the end of this extract he has clearly signalled the beginning of the Free Report phase. On line 61 the interviewer checks

Natalie is happy with the procedure, and then signals the start of the new phase with the marker 'right, so'. This is then followed by a summary of events leading up to the interview. Again, the oddness of presenting information already known to participants present (lines 62-80) can be explained by the overhearing audience as target recipient. The officer begins his elicitation of Natalie's free narrative on line 80, once again with the marker 'right', followed by his instruction ('start off erm...set the scene nice and big'). The evaluative 'nice and big' signals to Natalie that providing as much information as possible is the goal. The interviewer displays his status as being in possession of *some* pertinent information surrounding events with his claim to the knowledge that it 'involved being on a night out', and in conjunction with the open information-seeking question 'start us off from...' this cues Natalie to expand on this minimal information. The interviewer projecting his own personal knowledge state provides Natalie with a point of departure from which to provide a more detailed account.

Compare this to *Extract 4-13,* in which, again, we see an interviewer acknowledge ownership of some information – this time in a slightly different way, and the effects too are somewhat different. The content of line 26 indicates that it belongs very much to the opening phases of the interview, and this is further supported by the formal performative 'this interview is commenced...' on line 30, which signals that anything that has gone before does not belong to the 'interview proper'. As well as forming part of the interviewer's professional script and being obviously produced for the overhearing audience, 'this interview is commenced...' takes a grammatical structure in which there are no human agents – minimising involvement on the part of both parties in the interaction.

Extract 4-13: 'Angela', p.1

```
26  IR:  [°right°] (.) and where do you live Angela? =

    IE:  =eleven Clearmount Road.

30  IR:  okay •hh (2.5) so this intervie:w is commenced at
         ten thirty four

    IE:  •shih

35  IR:  (3)last night about (.) seven o'clock (.7) e:rm
         which'll've been the: (.7) eighteenth of May (.) two
         thousand and seven >you were at your home address<
         weren't you.=

40  IE:  =yeah.

    IR:  and what happe:ned? after that did you go out that
         night?

45  IE:  yeah (.) I was getting ready (.7) and I went to my
         friend's house at Field Park (.) and then we went to
         the town. •shih
```

In this example the interview is simply 'commenced' – no individual 'starts' it. Since the beginning of information gathering has been signalled, we might expect to see a hasty shift to a footing whereby Angela is encouraged to occupy all three producer roles. However, this does not happen. Rather, the interviewer continues an obvious orientation to the absent audience with a date check on line 36, followed by an indication of her ownership of a certain key detail, namely Angela's whereabouts at seven o'clock the previous evening, with the confirmation seeking question on lines 37-38. Despite producing the open information-seeking question 'what happened after that' on line 42, the interviewer overrides the openness with the replacement closed question 'did you go out that night?'. The structure of this question limits Angela's answer to a very brief summary of her movements over the course of the evening – unsurprising, given that the interviewer's question refers only to the matter of whether she went out. Thus, the free report is not successfully elicited on this occasion. Furthermore, Angela is likely to be aware that the interviewer is already in possession of the information that the question on line 42 appears to be seeking, and that the interviewer is therefore misrepresenting her own knowledge state, animating a question on behalf of the police institution and for the benefit of the overhearing audience, without explanation (compare this to the flagging of institutionally required

utterances in *Extract 4-3* and *Extract 4-6*). It is also useful to compare *Extract 4-13* with *Extract 4-12*, in which the interviewer is more transparent about his knowledge state with 'I know it's involved being on a night out' (line 84). Since participants in ordinary conversation are rarely required to misrepresent their knowledge state, doing so poses a threat to the conversationalisation of the interaction. In the absence of an explanation for what is decidedly odd conversational behaviour, it is possible that this has compounded the effects of the inappropriately structured question.

As discussed earlier, the recommended, and most effective, method for eliciting a free report from interviewees is an open information-seeking question, the most open type being an imperative (labelled TED[11] questions in ECI training). In extract 4-13, below, taken from some time in to Becky's free report, the interviewer issues a prompt in imperative form, making explicit his orientation to the preference for a footing in which the interviewee occupies all three producer roles in relation to her account.

Extract 4-14: 'Becky', p.8

```
429  IE:  [...] I was sat talking to Nathan and got a couple
          more drinks (.) Paul was still sat with us (.5)
          everybody else went to the town and there was only
          (.) at the end of the night there was me Paul and
          Nathan left with the barman (1) think it was about
          half past twelve when we left (.6) left the bar,
435       (1.2) is that enough information from ((inside of the
          pub))? Hehehe •HHH [hehehehe]

     IR:  [it's y- it's] your story you tell me.

440  IE:  •hhh I'll be telling you loads of secrets about
          everybody else if I ca(h)rry on! •HH erm (.7) Paul
          had said when we were going out of the pub [...]
```

On line 438 the interviewer displays a preference for Becky to hold the authority not just for the details she is reporting, but for *which* details she chooses to report. Thus, he avoids providing an answer to the question 'is that enough...', instead urging Becky to take that decision for herself. That he avoids the question is also perhaps indicative of his expectations of their respective interactional roles – i.e., that he asks the questions, and Becky answers them.

---

[11] Questions beginning 'Tell', 'Explain' and 'Describe'.

This section has demonstrated that a failure to deal effectively with the tension between maintaining an interviewee's authority behind a given piece of information while at the same time acknowledging one's own prior ownership of that information can jeopardise the effectiveness of interviewers' free report elicitation. While the interviewer in *Extract 4-12* makes reference to the information to which he is already party, it is evident that this does not jeopardise Natalie's principalship for the report that follows, nor does it impede her production of that report. Instead, by conveying his knowledge state, the interviewer assists Natalie in locating a starting point for her narrative, and brings the interaction a step closer to ordinary co-operative conversation. When Angela's interviewer misrepresents her knowledge state in *Extract 4-13*, with no explanation of her presumed institutional motivation for doing so, there is the potential for the interviewee, uninitiated in the norms of police interviewing and the production of utterances 'for the record', to find this unnatural behaviour rather jarring.

Since interviewers who successfully elicit a free report tend to allow the interviewee to continue without interruption, this phase is ideally typified by a straightforward footing in which the interviewee occupies all three roles. It is during the questioning phases that there is the greatest potential for interviewing officers to bring their influence to the interaction.

4.4 Questioning & Retrieval Phases

During this phase, interviewers are advised to ask questions based on the account the interviewee has just provided. They are also instructed to inform the interviewee that this will be the case; thus, the transition in to the questioning phase is often marked by a metadiscoursal statement, as shown in *Extract 4-15*.

Extract 4-15: 'Ellen', p.2

```
110  IR:   °okay° (1.9) e:rm hhh so just hh just to: to clarify
           a few points from- from that account=
```

The interviewer displays a transition between phases with the marker 'so', functioning here in Sinclair & Coulthard's (1975) terms as a 'frame', followed by a 'focus', the element that informs Ellen of what will be happening next. Thus, this represents what Sinclair & Coulthard (1975) would term a 'boundary exchange', and provides support for the existence of distinct phases. A further example appears below.

Extract 4-16: 'Polly', p.3

```
120  IE:  [...] (.5) and it was then that I told her (.) about
          the guy (.) 'nd what had happened (4) and that's- and
          that's it.

     IR:  (.5) right okay (.5) right well y- you've given me
125       quite a lot of information there (1) •hh and I
          appreciate it's not the easiest thing for you to talk
          about (.) but I need to break it down and just (.)
          ask you to elaborate on each s:ection, •hh

130  IE:  okay.

     IR:  that you've- you've spoken about (.) okay •hhhhh so
          y- you've said that you went to to Boyd's in ((town
          name))am I right in thinking that's the one in ((name
135       of street)).

     IE:  yeah (.) next to ((shop name)).
```

Having marked her receipt of Polly's free report with 'right okay' on line 124, the interviewer produces a frame ('right well' on line 124) and a focus ('I need to break it down and just ask you to elaborate...' on lines 127-8), supporting the categorisation of this segment as a boundary between phases. Further evidence that this extract shows a shift between phases comes in the form of the activated footings. There is a shift from the end of the Free Report on line 122, entirely authorised, authored and animated by Polly, to, in this case, a footing in which information from her account is (re) animated by the interviewer through indirect quotation on line 133 in order to set up a question. Indirect quotation of segments of interviewees' accounts is a routine means by which interviewers re-orient interviewees to relevant details for elaboration during questioning, maintaining as it does the interviewees' role as principal. The extent to which interviewees' *authorship* is preserved, however, is a matter worthy of further exploration. Since speakers are far more skilled at remembering the *gist* of earlier talk than the actual wording, in most cases of indirect speech reporting the interviewer

actually occupies the role of author, while the interviewee maintains the position of principal. This is explored in detail in Chapter 5.

On line 134 the interviewer introduces new information in an attempt to confirm the location where Polly's account begins, and this contributes to a more 'natural', conversational impression of the interaction. This is arguably due to a display of shared knowledge, which far from compromising Polly's principalship of the account in a negative way, demonstrates a degree of solidarity between the participants, and allows the interviewer to be seen as positively collaborating with the construction of the narrative.

Despite these benefits of introducing new information of which one has ownership during the questioning phase, many interviewers nevertheless continue to display a preference for a footing in which the interviewee occupies the principal role, presumably for fear of their behaviour being perceived as leading. In the following extract, the interviewer initiates a self repair to ensure she displays the interviewee's status as principal behind the message.

Extract 4-17: 'Angela', p.2

```
 88  IE:  •shih (3) he bought me two drinks sat at the table (1)
          two big bottles of cider it was (3) u::m (2) •shih
 90       they were passing (.) e:rm cocaine between (.) him and
          Gary (.5) quite frequently going to the toilets with
          this small bag, (.) •shih (10) •shih

     IR:  (6) when they were p- when you've said they were
 95       passing bags with him and Gary who's Gary?

     IE:  (.) e:rm Gary Cole his friend.

 99  IR:  (4) 'nd can you remember what happened after that?
```

When the interviewer begins her question on line 94, she does so with a structure that does not make obvious that the source of the proposition contained within it is Angela's prior talk. She therefore begins again, this time leaving us in no doubt that she is basing the question on information already provided by Angela, thereby preserving Angela's authority for the utterance. Again this is achieved through indirectly reported speech, the focus of Chapter 5.

The following extract shows another self-repair, which, again, displays evidence of the interviewer's preference for the interviewee to retain principalship.

Extract 4-18: 'Emily', p.8

```
449  IR:   right. (1) I think I know which alley you're talking
           about cos I'm from the town so I- I know that alleyway
           it's like a cut through (1.6) it's quite -(.) well can
           you just describe exactly whereabouts in that alley
           you were (.7) as- as far as you can remember.=

455  IE:   =it was (.7) close to the top cos I remember the- I
           remember the bins.

     IR:   (.5) right. (.5) okay (.8) is that (.3) the King's
           Head side or (.) to the other side? (.7) ((V gestures
460        right)) to the back of the King's Head?

     IE:   the back of the King's Head.
```

In the bold section beginning on line 449 the interviewer displays personal knowledge of the alley that Emily has described, thus occupying the three producer roles himself. This may have gone some way to personalising the interaction, and then when he comes to questioning Emily's whereabouts in the alley he produces an open information-seeking question to ensure she is not 'led' and that she retains principalship. His next question on line 458-9 is a closed information seeking question, and the follow-up in response to Emily's non-verbal signal on line 460 is a confirmation-seeking question. Through these, the interviewer again reveals that he is in possession of information about the topic under discussion. Emily's response is limited in the first instance to one of the two options the interviewer has provided, and in the second instance to a simple confirmation or disconfirmation of his candidate reading of her non-verbal behaviour. While the structure of the questions is evidently a factor in constraining her responses, the interviewer's confident display of knowledge has the potential to further discourage Emily from providing a full account for which she holds sole authority. For interviewers, then, there is a fine balance to be struck between the projection of one's knowledge for the purposes of solidarity, collaboration and personalisation, and an institutionalised awareness of the potential negative impact such a projection could have on the evidential value of the interview.

Another example of this tension is shown in *Extract 4-19*, below. Again, the source of much of the information is the interviewer rather than the interviewee, and again there is a potential argument for this impacting negatively on the quality of the evidence.

Extract 4-19: 'Natalie', p.12

```
682  IR:  °right (.7) okay° (.) so •h you told me that you'd
          walked right (.2) out of Malibu=

685  IE:  =yeah

     IR:  ((clears throat)) so then we would be wa- walking
          towards (.5) the e:rm (.6) the alleyway which (.2)
          turns up into Marley Lane (.3) yeah which is the pizza
690       shops and take[aways]

     IE:  [yeah] (.) yeah

     IR:  °right okay° •h are you familiar with that- I don't
695       mean last night but are you familiar with that area?=

     IE:  =yeah eh- e:rm (.8) I- well I go every now and then
          during work.

700  IR:  °right (.) okay° •hh cos e:rm from my memory you have
          the Eagle Hotel in front of you (.2) which you can't
          really miss it's a big [thing]

     IE:  [yeah] yeah
705
     IR:  •hh and then as you tu:rn (.) right you've got a
          barrier that stops the taxis coming down the high
          street now on the weekends?=

710  IE:  =yeah

     IR:  and then you go into e:rm (.2) what would be Mile
          Lane?

715  IE:  (.2) [yeah]

     IR:  [and you] got pubs over the road,

     IE:  yeah
720
     IR:  e::rm (.) and then you've also got the (.3) e:rm (.2)
          tt all the takeaways.

     IE:  (.) yeah.
725
     IR:  yeah? (.5) •h right so how fa:r (.9) um would you- do
          you remember going.
```

After marking his receipt of the prior utterance the interviewer moves on on line 682 with the discourse marker 'so', indicating progression to a new topic, and uses an

indirect quotation of Natalie's free report, thus preserving her principalship, in order to direct her to the relevant section for elaboration. The interviewer then shifts the footing to one in which he fulfils all three producer roles, and continues on line 700 by detailing the route Natalie presumably took after leaving the nightclub. Although his descriptions are offered to Natalie for confirmation on five occasions, which she duly provides, a potential challenge could arise on the basis that it is he, not she, who fulfils the roles of principal and author of these utterances. The interviewer's assertion about the hotel on line 701-2, 'you can't really miss it's a big thing' poses a further problem, in that even if Natalie *had* indeed missed it, the likelihood of her saying so would be severely diminished by such an assertion.

Although the interviewer's intentions are probably co-operative, collaborating with Natalie to construct her account, there are potential negative implications of an interviewer authorising and authoring an account in this way. It is important to bear in mind that the end product of a SWI is, at time of writing, a written statement – and this is generally the only artefact available to the court should the case get to trial. Thus, details about the route Natalie presumably took will be noted by the police scribe and included in the final statement: the source of those details will not. Since Natalie's response on line 697 indicates that she is only slightly familiar with the area – an interpretation made possible by the presence of the marker 'well', signalling an at least partially dispreferred response – the possibility exists that she will be questioned about her route during cross examination and be unable to provide anywhere near the level of detail that exists in the statement. The loss of footing signals in the transformation of speech to writing has the potential to prove quite harmful to a witness' credibility.

Presenting oneself as already being in possession of certain key information does not necessarily constitute bad practice on the part of interviewers. In the following extract, the interviewer displays her familiarity with information provided in Polly's account of her route home, without presenting any new information for which she herself holds the authority.

Extract 4-20: 'Polly', p.4

```
208  IE:  you turn right (1) and you walk through there (.5)
           and then you're walking beside (.) Bailey House,
210        which is where I live (.) and you turn left (.5) and
           you >just put the code into the door and you're
           there.<

     IR:  okay then.
215
     IE:  it's- it takes about five or ten minutes.

     IR:  °okay° I know the route well cos that's- obviously
           it's near where I used to work before we moved to our
220        new police station •hh so (.) do you know what time
           it was when you got back to your flat?
```

In displaying her familiarity on lines 218-20 with the area Polly is describing,
accompanied by the basis for her knowledge 'it's near where I used to work', the
interviewer succeeds in personalising the interview, in that she is displaying a shared
understanding of the topic under discussion. Furthermore it is evidently herself she
speaks for – this utterance does not *obviously* accomplish part of some institutional
task. In this case, the interviewer's occupation of the three producer roles is not a
threat to the quality of the evidence, because she does not supply any new information
– her familiarity with the area merely serves to support the version Polly has already
provided. This is in stark contrast with *Extract 4-19*, where a large amount of the
descriptive detail originates with the interviewer rather than the interviewee. The next
extract, also from Polly's interview, provides a further example of the interviewer
personalising the interview by occupying the principal and author roles, once more
without impacting on the quality of the evidence.

Extract 4-21: 'Polly', p.4

```
185  IE:  but u:m (.) the mo:re I drink (.) like after the wine
           (1) and the (.) Smirnoff ((and mixer)) ((unclear))(1)
           u:m (.) I always think that it's a good idea to drink
           more? (.) and that's when I had the (.) double rums.

190  IR:  °you're not alone in that° (hhh•hhh) okay (.) so-
           when you left Boyd's where did you go?
```

The interviewer's third turn receipt on line 190 evaluates Polly's reported behaviour as within 'normal' parameters, implicitly suggesting that many other people 'always think it's a good idea to drink more', and that perhaps she (the interviewer) herself is one of these people. As an assessment of information Polly has provided, rather than the addition of new information, the message delivered while the interviewer is occupying all three producer roles functions to maintain rapport and not exert any negative influence over the quality of the evidence obtained during interview. A further example of Polly's interviewer producing a personalising evaluation appears in *Extract 4-22*.

Extract 4-22: 'Polly', p.7

```
374  IR:  okay (.) •hhh and you've described him as white (.)
          and you said you think he had the ((town name))
          accent.

     IE:  (.5) yes (.) but (1) I: don't have the accent and I
          (.) haven't lived here for very long but (1) e:rm it
380       (.) he didn't sound distinctive so I think (.) I: was
          just used to it.

     IR:  (1) okay and I- I''m not from round here and I find
          the ((town name)) accent's very distinctive isn't it.
385
     IE:  mmm.

     IR:  so you think it was from- from round here (.) •hhhh
          can you (.) focus now on his clothing (.) and
390       describe everything about his clothing that you
          remember.
```

On lines 383-4 the interviewer takes on all three producer roles to provide her personal assessment of the local accent as 'distinctive', echoing Polly's earlier use of the word as she attempts to explain how she came to the conclusion that her attacker was local. Although the assertion that the local accent is distinctive has not explicitly been made by Polly, it seems a safe logical deduction that 'he didn't sound distinctive so I think I was just used to it' implicitly suggests that Polly believes this to be so – thus, the interviewer has not introduced any new information. Using a formulation on line 388 (for more on the functions of formulations, see Chapter 6), the interviewer summarises the upshot of the information Polly has provided as 'you think he was from round here'. Thus, the interviewer's subjective assessment, in relation to which she stands as principal, author and animator, is a device she uses to personalise the

interview and assist the interviewee in constructing a coherent narrative without compromising the interviewee's principalship of the account itself.

The extracts presented in this section have demonstrated that, during the questioning phase, interviewers display an observable preference for interviewees to maintain principalship for the information they provide. This tends to be achieved through the use of indirect quotation of sections of the free report as a precursor to questions (or, as will be discussed later, standing in for questions). However, as Chapter 5 will go on to explore, this paraphrasing tends to compromise interviewees' authorship, which may bring with it its own complications. This section has also demonstrated that interviewers display their personal ownership of certain information in order to personalise the interaction and assist the interviewee in the construction of her account. A contrast can be drawn between the introduction of new information, which could have a negative impact on the value of the interview and the credibility of the witness, and the production of evaluative assessments, which have the same personalising effect but are unlikely to taint the evidence.

4.5 Investigatively Important Questions Phase

The fourth phase of the ECI is designed to address any gaps that have not sufficiently been addressed during the first questioning phase. Although much of what an interviewer hears during information gathering will genuinely fulfil the criteria of 'news', as opposed to confirmation of information he or she already knows elicited for the benefit of the absent audience, there may be occasions when, for questioning around a specific detail, an interviewer finds it necessary to ask questions to which they already know the answer. Sometimes this involves displaying possession of certain information, and is most frequent in the latter stages of questioning, where officers are advised that 'leading information could be given...however...information gained from leading questions may have little evidential value' (Milne, 2004:44).

In the following extract, Emily is describing her injuries and the interviewer elects to display his knowledge through the use of a confirmation-seeking question in the form of a declarative and tag.

Extract 4-23: 'Emily', p.15

```
823   IR:    (.8) and whereabouts is that?

      IE:    (.7) it's down below (1.3) I've got a big (.4)
             tear.


      IR:    (1) a big tear.
830
      IE:    a cut yeah.

      IR:    okay (.) because you've been medically examined
             haven't you by=
835
      IE:    =yeah

      IR:    the police station right (.) okay •hh (2)
```

On line 833, after producing his receipt token 'okay', the interviewer produces a basis for Emily's knowledge that she has a tear or cut to the inside of her vagina. In doing so he displays awareness that physical injuries are an institutionally important element of the account in that they provide evidence that force was used, and that furthermore the CPS and Court are likely to want some kind of evidence to back up such an assertion. Producing the confirmation-seeking question on line 833 ensures that there is an audible record to support any medical reports that may be provided as evidence. Thus, although confirmation-seeking ('leading') questions are rightly discouraged as a general rule, it is easy to see their benefit during this phase of an interview. In the next extract, the interviewer produces a number of closed-specific information-seeking question to which he already knows the answers – he thus *mis*represents his knowledge state, for a very specific purpose.

Extract 4-24: 'Natalie', p.31

```
1745  IR:    (10) °°right°° (2.6) can you remember the first
             time somebody spoke to you? (.) about this. (.2)
             with your- with your dad. (1.3) did you- did you
             ever say to your dad that you didn't want to (.7)
             tell the police about it or,
1750
      IE:    °yeah°

      IR:    (.2) right. when was that?

1755  IE:    (.7) tt e:rm (.9) tt •hh last night. hh

      IR:    (1) okay.

      IE:    when I got back.
```

```
1760
      IR:  it would be this morning yeah? [really]

      IE:  [sorry?]

1765  IR:  it would be this morning wouldn't it.

      IE:  ~well y- yeah~=

      IR:  =yeah?=
1770
      IE:  =early morning.=

      IR:  =okay. (.8) why was that Natalie?

1775  IE:  (1) I just wanted to forget about it you know what
           I mean I didn't want to go ~over it you know what I
           mean.~

      IR:  okay? (.2) okay? (.8) u:m (.6) we've called
1780       obviously spoke to you (.9) u:m we asked if you
           were- if you would attend a medical,

      IE:  mmm

1785  IR:  and (.) give an interview and a statement (.8) 'nd
           is that when you said that you would?

      IE:  •shih ((nods))

1790  IR:  yeah.

      IE:  (1) yea:h.
```

Of primary interest in this extract is the interviewer's knowledge state, as represented by his specific information seeking questions on lines 1747-49, 1761, 1765 and 1779-86. As already discussed, such closed questions are not recommended during the standard questioning phase. However, during the investigatively important questioning phase, they fulfil a crucial role. On examination of their content in *Extract 4-24*, it is evident that the interviewer asks these questions in order to establish particular information on record – probably as a result of not having successfully elicited the information during the free report and questioning phases. The interviewer is displaying awareness of the importance of establishing a number of things on record. Firstly, he perceives a requirement to spell out any reasons for Natalie's reluctance to report the rape to police. Secondly, he pursues an accurate representation of the time she indicated this reluctance, and lastly he requires Natalie to indicate that she is currently willing to co-operate with the interview and statement-taking. These details are all key to the success of any subsequent prosecution. Thus,

'the way that knowledge is displayed does not correlate to the actual 'ownership' of information' (Heydon, 2005:60), and this is explainable in terms of the interviewer's motivation for eliciting these answers – not to obtain the knowledge for himself, but to ensure Natalie articulates the details for the overhearing audience.

This section has demonstrated that, as interviewers near the closure of SWIs, they may find it necessary to structure their questions rather differently, as closed information seeking or as confirmation seeking, in order to ensure interviewees confirm certain details on record. In the case of confirmation-seeking questions this involves interviewers displaying their own knowledge about particular details, while in the case of closed information-seeking questions it involves interviewers misrepresenting their knowledge state to provoke on-record responses from interviewees.

4.6 Summary Phase

Before the closure of an interview, there should, according to the guidelines, be a 'summary' phase. The guidelines stipulate that interviewers should 'repeat in summary form the interviewee's account of the event, in the interviewee's own words' (Milne, 2004:46). Thus, an ideal summary would see the interviewer occupying only the animator role. However, as already discussed, speakers are notoriously ineffective at remembering the exact words spoken in an earlier stretch of talk. Rather, the summary phase, when it appears, is generally characterized by the invocation of a footing in which the interviewer fulfils the roles of animator *and* author of a summary based on information already provided by the interviewee (the interviewee thus retains principalship). The interviewee is then required to confirm the details provided in the interviewer's account, as in *Extract 4-25*, overleaf.

Extract 4-25: 'Natalie', p.29

```
1633  IR:  (.5) right. okay. (.5) •hh right (.) I can't really
            think of anything else at the moment (.) e:rm maybe
1635        (1) in the days to come (.) something might come
            back to you again (.5) and we can go over it then
            (.2) but e:rm (.6) at present e:r Natalie (.2)
            there's not a lot that I can think of that we
            haven't erm (.2) that we haven't already spoken
1640        about yeah?

      IE:  °mm hmm°

      IR:  •hh e:rm ((clears throat)) you've gone out with
1645       friends,

      IE:  °mm hmm°

      IR:  yeah •hh you've had quite a bit to drink. (.4)
1650       you've lost you've lost friends you've gained them,

      IE:  °mm hmm°

      IR:  •hh you've come out of Malibu (.3) e:rm you've
1655       walked around for a bit (1) you've come to an area
           (.6) what we think's M- is Mile Lane (.) where the
           takeaways are,

      IE:  °mm hmm°
1660
      IR:  been wandering around •hh you've been (.3) dr- er
           grabbed you've been dragged (.) stood up,

      IE:  °mmm [yeah]°
1665
      IR:  [and] someone's (.3) e:r (.7) touched you down
           be[low]

      IE:  [°mmm°]
1670
      IR:  so they had their hands fingers (.2) we're not sure
           yeah (unclear 4 sylls)

      IE:  °yeah°
1675
      IR:  okay? (.2) right? (.4) e:rm (.) and then (.6)
           you've managed to get a taxi you've managed to get
           home (1) t okay? (.8) •h there's nothing witnessed
           (2.9) ((V shakes head)) no. right. •hh how does
1680       this ma- how does this make you feel now?

      IE:  (.7) ~dirty.~
```

The fact that the interviewer's summary of events is based on information provided
earlier by the interviewee, and she is expected to confirm it as an accurate description,
means it is she who fulfils the role of principal for the information contained within it.

From line 1644 onwards the interviewer presents a series of chunks of information from Natalie's earlier contributions, and offers each one to her for confirmation. The words used are not those of Natalie herself, and thus it is the interviewer who fulfils the role of author. These utterances therefore possess formulating qualities, in that they have repackaged earlier talk to ensure understanding on behalf of all participants, including the overhearing. As a routine means by which interviewers potentially make alterations to interviewees' accounts while maintaining a framework in which the interviewee occupies the role of principal, formulations are discussed in detail in Chapter 6. The question on line 1679-80, 'how does this make you feel now?' is a recurrent feature as interviews approach closing, and therefore appears to be institutionally required, functioning to provide evidence on record of the effect reported events have had on the interviewee. In 4-25 the positioning of this question seems somewhat disfluent. Having successfully created an impression that the interview is 'winding down', with the interactional work Natalie is expected to do limited to minimal confirmations, the interviewer then presents her with an information-seeking question more reminiscent of earlier stages of the interview. This perhaps partially explains her one-word response on line 1682.

A further recommended goal of the summary phase is giving the interviewee the opportunity to mention any relevant additional information that has not already been covered, to 'function as a further retrieval phase' (Milne, 2004:46). This is demonstrated in *Extract 4-26*.

Extract 4-26: 'Polly', p.18

```
1002  IR:    okay (1) •hhh i- is there anything else that you
             can remember which you think might help us^

1005  IE:    (.) e:rm (1.5) I was thinking then that he ha:d
             (.) distinct eyebrows but not bushy.

      IR:    mm hmm (.) in what way?

1010  IE:    (.) um sort of really (.) dark (.) like his hair
             (3) °that was all. (.) can remember°.
```

The interviewer's 'anything else' question on line 1002 arguably provides a signal that the interview is coming to an end, and certainly that there are no more specific

questions the interviewer wishes to ask, and that this is likely to be Polly's final opportunity, during this discourse event at any rate, to state any further information. In the next extract, Angela's interviewer also gives her an opportunity to add further information. However, in the absence of any contribution from Angela, the interviewer moves immediately into closing.

Extract 4-27: 'Angela,', p.13

```
735    IR:    is there anything else that you can (.) think of
              that might (1.5) help us with our investigation
              anything you can think of that might be (2.5)
              important? (12) right Angela we're gonna (.)
              finish the interview: at thirteen twenty one (3)
740           you alright?

              ((banging/door opening)) ((male officer puts head
              round door ))

745    IR2:   °just mention ex partners°

       IR:    oh I'm sorry yes ((door closes))(7)right Angela
              sor- the e:rm the interview is still carrying on
              (.) e:rm I just do need to ask you one more thing
750           •hh e:rm (1) you say you've got (.) your children
              at home how many kids have you got at [home?]
```

Extract 4-27 demonstrates that Angela's interviewer perceives the interview to be a discrete event which must be explicitly activated and deactivated. That is, for this interviewer, the mere fact that questions are continuing is not evidence enough that the interview is 'still carrying on'. Rather, after an interjection from the observing officer, the interviewer animates an official message on behalf of the police institution that she intends to ask further questions – in this case on the topic of Angela's previous sexual partners. She approaches this sensitive topic rather indirectly, beginning with a question about Angela's children. As well as signalling the personal nature of the topic, this indirect approach is potentially displaying an awareness that the upcoming topic is in need of mitigation, in light of the issues surrounding a complainant's sexual history and its 'common sense' relevance to a complaint of rape. However, the effectiveness of the indirect approach is somewhat questionable, given that Angela must presumably have heard the observing interviewer's interjection, and be therefore fully aware of the direction of this line of questioning.

In terms of footing, the fairly standard 'anything else...' question typically represents the final occasion on which new information can be introduced, and thus marks the end of the interviewee's contribution to the interaction. During 'closure', the final phase in which both parties are present (the 'evaluation' phase takes place between the interviewer and colleagues), the interviewer overtly reclaims control of the interaction. This is discussed with reference to examples in the next section.

4.7 Closure Phase

The aims of the closure phase, according to ECI guidance, are to leave the interviewee in a positive frame of mind; to 'prolong the interview's functional life by...providing a contact name and telephone number' (Milne, 2004:48); and to thank the interviewee for their effort and co-operation. The ways in which closures are performed is subject to much variation across the interviews, and tends to reflect interviewers' approach to the interaction as a whole. In the following extract, Polly's interviewer implements the closing of the interview in a fairly informal manner (this extract follows on immediately from *Extract 4-26*, above).

Extract 4-28: 'Polly', p.18

```
1015  IR:  (2) °okay° •hh what's important now is that we're
           gonna stop the interview in a second (.) but if
           anything does come back to you •hh you can always
           tell us again (.) okay •hh you can always give (.)
           w- myself or Jimmy a ring we'll give you both of
1020       our numbers (.) •hh and if anything comes back to
           you at all that you think might be important or
           anything that you hadn't told us •hh then give us a
           ring and let us know cos it might be important to
           us.
1025
      IE:  °okay°.

      IR:  I: okay? (1) •hhh right we'll wrap it up here then
           we'll let you go back and e:r we'll put you in the
1030       other room (.) with Lucy •hh you can have a cuppa
           and a glass of water while we (.) sort out this (.)
           technical (.) stuff next door.

      IE:  okay.
1035
      IR:  okay?

      IE:  mm hmm.

1040  IR:  °right° come on then let's go.
```

112

It is the 'we'll wrap it up here then' on line 1028 that officially closes this interview, with everything that follows relating to what will happen after they have left the room. With its informality and proposed joint action – continued into subsequent turns with 'let's go' – this method of closing gives the appearance of being directed at Polly. This is further supported by the additional content of the closing utterance, informing her that she can now join her partner, maintaining the rapport that has been established over the course of the interview. It should be borne in mind, however, that one participant informing the other of how they will both progress from here nevertheless betrays the power relations inherent in this type of interaction.

Nevertheless, the method of closing in *Extract 4-28* contrasts sharply with that of Angela's interviewer – while her first attempt at closure was shown in *Extract 4-27*, *Extract 4-29* shows her final closure.

Extract 4-29: 'Angela', p.15

```
798  IR:  so can- can you tell me when the last time you've
          had sex.
800
     IE:  April oh six.

     IR:  and was that with your partner for your two
          children=
805
     IE:  =yeah.

     IR:  (3) interview's (.) ended at thirteen twenty two.
```

The abrupt closing on line 808 is instantly recognisable as 'typical', traditional police language. Rather than presenting the closure of the interview as a task to be jointly accomplished, as in *Extract 4-28*, above, the interviewer displays her powerful position, animating the performative utterance and thereby bringing the interview to an immediate end. The statement of time is evidently not for Angela's benefit but for the absent audience's, and this orientation contributes further to the institutional feel of the utterance, which does little to personalise or maintain rapport. This compounds the more obvious point that the closing in *Extract 4-29* does not fulfil any of the aims set out in the ECI guidelines.

4.8 Chapter Summary

This chapter has provided a discursive basis for distinguishing between six identifiable interview phases, on the basis of the producer roles that are invoked. The phases broadly correspond to those set out in the ECI guidance and training, and are: opening (including ECI rapport and explaining aims); free report; questioning and retrieval; investigatively important questions; summary; and closure. That is not to say, however, that all the interviews show evidence of all the phases. A case in point is Angela's interview: already identified as deficient in terms of the extent to which it follows ECI guidelines, it not only misses out a number of the phases but, as this chapter has demonstrated with reference to wholly discursive phenomena, the interviewer continually fails to personalise the interaction. Transition from the opening phase to the questioning phase, and from the questioning phase to closing, is achieved through the production of formal, formulaic, performative utterances, with no attempt on the interviewer's part to distance herself from her institutional role. This contrasts markedly with, for example, Polly's interview, which is punctuated with very obvious attempts by the interviewer to put the interaction on a more conversational footing: she presents evaluative assessments of topics under discussion, thus casting herself, and not the police institution, as the authority behind her utterances; she makes greater use of informal vocabulary; and she manages transitions between phases more gradually, and with more explanation.

During the opening phases some interviewers overtly present themselves as mere animators of messages on behalf of the police institution. There are two opposing effects of this behaviour. On one hand, by presenting themselves not as individuals but as institutional representatives, these interviewers present a threat to one particular recommended goal of the phase – personalising the interview. The behaviour thus potentially has a negative impact on rapport building, the effects of which can be witnessed throughout. Examples of this have included the use of typical formulaic 'policespeak', as well as self-identification by rank and/or badge number, affiliated police station, current location, and so on. However, some interviewers display their role as mere animator of a message as a way of *explaining* interactionally odd behaviour – for example, the asking of questions to which they already know the

answers, i.e. that contradict their knowledge state. An interviewer who describes his upcoming questions as 'technicalities', for example, does so by way of an explanation as to *why* he is asking them. It was demonstrated earlier in the Chapter that the overhearing audience as primary recipient is most often the explanation. Thus, while orientation to this absent audience can be mitigated by reference to one's role as an animator and does not necessarily entail a negative effect on rapport, gratuitous reference to one's role as such can be potentially quite damaging. The interviewers in question presumably believe identifying themselves by rank and badge number to be an institutional requirement, situated as it is within a network of practices associated with 'police work'. It is, however, neither productive nor necessary, impinging on rapport building and no more useful than a written record of the interviewing officer's particulars.

It has also been demonstrated in this chapter that the opening phases of most of the interviews are characterised by discussion of the interaction itself. This is perhaps to be expected when we consider that one of the key recommended goals of opening is 'explain the aims of the interview: focused retrieval and concentration, report everything, transfer control' (Milne, 2004:9). The opening, then, is effectively a 'training' phase, ensuring the interviewee knows what is expected of her in the upcoming phases. Nevertheless there is evidence to suggest that even within the recommended framework, there are still clear signs that it is the interviewer who is in control of the interaction. Ironically, an interviewer attempting to 'transfer control' by instructing an interviewee that she 'will be doing most of the talking', unequivocally displays that it is in fact her/himself who is in complete control. As was demonstrated with reference to Becky's interview, the opening phases do not always consist only of metadiscourse. A good attempt at rapport building is likely to be characterised by discussion of external topics – external to the discourse itself, and external to the events the interviewee is there to report. The extract reproduced showed how, in that case, this led to a natural, step-wise progression between topics, and therefore between phases, as opposed to the usual disjunctive transition which we might usually associate with the interview genre (Heydon, 2005).

The free report phase is usually characterised by a preference for a footing in which the interviewee occupies all three producer roles, with the questioning & retrieval

phase usually involving the interviewer re-animating the interviewee's account in order to prompt clarifications and expansions. On occasion interviewers can even be observed initiating self-repairs, displaying a clear preference for making the interviewee's authority obvious. Naturally, the interviewers' (re)presentations are rarely verbatim repetitions of the interviewees' words – thus, it is the interviewer who occupies the role of author. In that these are usually prefaced by speech reporting verbs such as 'you said....' or 'you mentioned..', referring backwards in the discourse in order to prepare the interviewee for what is coming next, these too are metadiscursive – but they are evidently far less instructional, and thereby less institutional, than those observable in openings. During the questioning phase interviewers can sometimes be seen to reveal ownership of some information *not* yet provided by the interviewee, thereby occupying all three producer roles themselves. There are two possible effects of this borne out by the data. On one hand it can contribute to the ongoing personalisation of the interview, portraying the interviewer as an individual, with individual experiences and knowledge. Examples presented occurred in third-turn news receipts, and were designed to express solidarity and emphasise 'sameness' between the participants. Conversely, there were also a number of examples where interviewers occupied the principal role in a way that potentially threatened the evidential quality of the interview. In the main, these occurred as precursors to questions rather than in receipt turns. The dangers of introducing new information to the interaction, particularly given the role an interview currently has to play in the judicial process – as a precursor to a written statement, which is unlikely to capture the nuances of footing – cannot be ignored. The dangers become further compounded when we consider the frequency with which victims' credibility is challenged by defence lawyers at trial on the basis of perceived inconsistencies between their interview and testimony: should she be challenged on a detail that is present in the statement but for which she was never the source, it is easy to see the potential exploitation by even the most minimally attentive cross-examiner.

During the investigatively important questions phase, principalship is frequently attributed to the police institution, usually for the purposes of establishing important evidential detail on record – this also demonstrates an audible orientation to the overhearing audience. Generally the attribution takes the form of interviewers asking questions to which they already know the answer, in order to have some specific key

detail confirmed on record by the interviewee. While obviously decidedly 'odd' behaviour conversationally (see Stokoe & Edwards, 2008), these questions perform an important function in addressing on record specific gaps that might exist in the account provided up to that point. This level of specificity is only recommended during this later phase of the interview, when all other options have been exhausted – that is, when the required information has not been successfully elicited through open questioning.

During the summary phase there is often an observable attribution of principalship to the interviewee, on occasion involving re-authoring on the part of the interviewer. Although the training recommends that summarising be done 'in the interviewee's own words' (Milne, 2004:46), this presents difficulties when one considers that, even after a short delay, people are able to remember only around five percent of the words used in a five-minute stretch of conversation (Hjelmquist, 1984, in Coulthard, 2004). Thus, the interviewer is generally responsible for authoring these utterances, while preserving the interviewee's status as principal. That the interviewee still holds responsibility for these messages, regardless of any rewording, warrants further investigation of how their account is modified and potentially transformed. Reported speech and formulation, two methods by which this process is achieved during all stages of information gathering, are therefore subject to detailed analysis in Chapters 5 and 6.

The closing phase often displays a move back to the kind of discursive behaviour noted in the opening – typically discussion of the discourse event itself and assignment of principalship and authorship to the police institution through formulaic utterances, such as performatives. This does little to minimise the power interviewers possess by virtue of the institution they represent. The interviewers who were more successful at personalising the interaction used devices such as proposing joint action to maintain at least an appearance of equality.

Thus, the shift from opening to free report can generally be identified by one or more of the following:

- Audible orientation to a framework in which the interviewee occupies all three producer roles.

- Shift in topic from the discourse event and/or 'neutral' topics to the events to be reported.

When moving in to the questioning & retrieval and investigatively important questioning phases, this chapter has shown how it is often necessary for interviewers to:

- Re-animate interviewees' earlier contributions, usually taking on the role of author but preserving the interviewee's principalship.
- Ask questions to which they already know the answers for the benefit of the overhearing audience, achieving this by ascribing principalship to the police institution.
- Occupy the three producer roles for purposes of personalisation.

This chapter has begun to explore some of the potential negative effects of this latter footing in terms of impact on evidential quality. The next two chapters narrow the focus somewhat, reporting on the micro-level analysis of reported speech and formulation, two reflexive resources that interviewers draw on in order to preserve interviewees' principalship while enabling probing of particular elements of their accounts. Like most linguistic forms, however, these features are multi-functional, and their functional complexities will also be subject to scrutiny over the following chapters.

Chapter 5 : "You said you were saying 'don't hurt me'...what made you think he was going to hurt you?" Interviewers' use of Reported Speech

5.1 Introduction

As outlined in Chapter 3, reported speech (RS) is a feature of reflexive language – that is to say, it is 'language [used] to communicate about the activity of using language' (Lucy, 1993:9), and is therefore metalinguistic. In reporting speech, a speaker presents themselves as the animator of a message, but not the author or principal (Holt & Clift, 2006), thus reported speech is 'one of the many ways in which we constantly change footing as we interact' (Holt & Clift, 2006:8). RS has been shown in the context of police interviews to be a feature drawn on by interviewees to add authenticity to their account (Stokoe & Edwards, 2007), but its use by interviewers remains largely ignored. In the current data set RS is invariably reflexive in an additional sense to that described above – it folds the talk back on itself, since it is a means by which earlier talk within the same discourse event is reactivated. It is important to bear in mind that almost all the incidences of RS on the part of interviewers in the data set appear in the form of indirect quotation, as opposed to direct (see Chapter 3 for definitions of directly- and indirectly reported speech) .

5.2. Reported Speech as Re-orientation

An interviewer's repetition or paraphrasing of part of an interviewee's account functions to direct the interviewee to a particular part of that account in order to ask specific questions about it. Recapitulating prior talk as a point of departure for subsequent questions is a frequent occurrence. An example appears in *Extract 5-1*, below.

Extract 5-1: 'Becky', p.8 & 11

```
413  IE:  •h e:rm (.6) when I went over and sat with them (.5)
          there was (.5) kind of a couple sat there ((indicates
          front right)) and Nathan was sat in between so I'd
          sat on this side ((indicates right)) on my own •hh
          (.8) and Paul came over and sat with me and was sat
          talking to me (.6) e:rm (1.3) he a- (.) kept making
          references to why I was with Nathan (1) like- what
420       are you doing with him kind of thing and I was kinda
```

```
            'oh so should I not be' and (.9) a- erm but he-

            ((155 lines omitted))
577
     IR:    (4.8) °right° (.5) •hhh you mentioned this (.6)
            conversation he came and sat next to you in the:
580         football club last night?=

     IE:    =yeah.

     IR:    •hh um: (1) and you mentioned he was asking things
585         like y'know why- what you doing with Nathan and
            [that]=

     IE:    [yeah.]

590  IR:    =sort of thing. •hh (1) can you concentrate on that
            on that conversation you were having with Paul in the
            club last night,

     IE:    mm hmm
595
     IR:    (.3) and (1.2) as best you can without leaving
            anything out (.7) tell me (.) about that
            conversation.
```

Rather than summarising information provided by the interviewee, or offering an interpretation of what has been said (i.e., a formulation, see Chapter 6), the bold segments of the interviewer's turns in lines 578-590 function to direct Becky to the part of her narrative about which he intends to ask further questions. This is in line with significant witness interview recommendations, in that rather than interrupting Becky's free report, the interviewer has waited until she has finished before asking probing questions about different elements of her account *in the order the witness reported them.* The RS is therefore produced as a precursor to the open information-seeking question on line 597. As will be demonstrated shortly, in some interviews the RS itself often functions as an information-seeking question.

Since it is an effective means of breaking down the account for further questioning while avoiding interruption, the sequence of RS + open information seeking question is a commonly used strategy, also favoured by Polly's interviewer, as shown in the following extract.

Extract 5-2: 'Polly', p.12

```
655  IR:   no. (1) •hhh so can you describe to me y- you've
           mentioned about a can of Carling (.) can you describe
           what happened there.

     IE:   (1) um (.) I think I was still watching (2) er the
660        League of Gentlemen (.) and he came in (1.5) and gave
           me the can of Carling that was already open and then
           sat down (.5) and I: (.) started to drink it (2.5) e:r
           don't know if he started coming on to me (.) while I
           was drinking it (.) o:r if I (.) put it down (.) and
665        then he started.
```

Extract 5-2 provides evidence of the interviewer's awareness that reporting the interviewee's earlier talk back to her is likely to assist the interviewee by re-establishing the context about which further questions are about to be asked. Beginning with an open-ended information-seeking question on line 655, she initiates a self-repair and instead elects to direct Polly to the relevant section of her free report before producing the originally intended question. Although it would be feasible to ask 'describe what happened with the can of Carling', many interviewers display a preference for reporting earlier talk first, allowing the interviewee to become aware of the interviewer's intentions much earlier. This is also evident in the following extract.

Extract 5-3: 'Emily', p.4

```
201  IR:   (.2) right (.6) and you said that (.3) when your
           sister in law turned up (.8) wh- describe what
           happened when your sister in law turned up.

205  IE:   (.5) e:r (.5) I went over to her I gave her a (.)
           cuddle for New Year (.9) and she asked me who- who are
           those I said I don't know (2.3) and she says oh well
           then ((unclear)) (.2) and we (.) went and got a drink.

210  IR:   (.6) okay. (.3) •h so (.4) if you think about when you
           went in to (.6) Lunar then ((V nods)) (.7) and you
           said that this lad was still (.8) hanging about (.5)
           just describe what you mean by that.

215  IE:   (.6) e:r well I didn't notice him at first because we
           went (.4) we stayed down (.7) near the toilets for a
           while (2.1) e:rm (1.5) then when we went up to near
           the doors (1) he was just there and every time I
           turned round he was (.7) there looking at me or he was
220        (1.3) or h- he was just (.) constantly everywhere
           ((he/we)) was dancing on the dancefloor and he w- he
           was standing there staring at me (.4) and at one point
           he walked (.3) past and smacked me on the bum (1)
```

```
         which I wasn't (.) pleased about cos I j- I don't like
225      anything like that anyway (2.1) and then I (1.2) I
         don't actually think I seen him again before we went
         into the (.3) Bar Rome.

    IR:  okay. (.5) so if (.7) y- that part where you say he
230      smacked you on the bum (.4) if you can just describe
         whereabouts in Luna you were (.7) and whereabouts you
         were in the pub who was with you (.4) and what was
         happening what was going on around you •h and how that
         (.5) came to happen.
235
    IE:  (1.7) e:rm (.9) I was o- I w- we were right (1) in
         front of the doors (.5) w- t- the t- round the table
         (1.2) my sister in law's (.) friends who she was with
         were dancing (.) a bit further away from us and my
240      sister in law was dancing on the other side of the
         table (.7) I was just dan↑cing and he j- I think he'd
         just come off the dancefloor and he just walked past
         me (.5) and when I turned round he'd ((unclear))
         somebody else ((unclear)).
```

In *Extract 5-3* the interviewer produces a series of three segments of RS, on lines 201, 211 and 229. On line 201 he begins by indirectly quoting Emily 'you said that when your sister in law turned up...' to orient Emily to the relevant part of her free report, but this is seemingly repaired after the 0.8 second pause on line 202 and he produces an open-ended question which itself incorporates the information contained within the quotation, 'describe what happened when your sister in law turned up'. Having already produced most of the quotation, it could be argued that the interviewer has succeeded in re-orienting and alerting Emily to what to expect from the next question – this is not overridden by the repair. There is evidently nothing in Emily's answer that the interviewer deems to be of enough relevance to explore further, and he follows his receipt of her answer ('okay') on line 210 with another indirect quotation, relating to the next segment of her initial free report – entering the bar and being aware of a lad 'hanging about'. Enquiring as to what Emily meant by 'hanging about' suggests the interviewer finds the term problematic and in need of clarification. One part of her answer in particular is carried over into the interviewer's next turn – that the 'lad' had 'smacked her on the bum' (lines 222 & 227), so the interviewer obviously considers his second question to have been successful, in that it has yielded information worthy of further probing. Thus, quotations can be formed from more recent turns, as well as from the initial free report. The choice depends essentially on whether there is any information considered valuable in the interviewee's immediately prior response. In *Extract 5-3*, above, the re-statement of the smacking,

rather than the relative position of other people, the fact that Emily doesn't 'like anything like that', or the fact she didn't see 'the lad' again before moving to the bar next door, reveals that the interviewer perceives the smacking to be more valuable than these other details. Thus, the function of reported speech is far more complex than a simple co-operative, reconstructive device – it can be revealing of institutional priorities. This aspect of reported speech will be discussed in greater detail later in the chapter.

5.3 Reported Speech as Elicitation

Returning to the matter of the sequential positioning of reported speech, there are instances where the quotation itself functions as an initiation. An example appears in the following extract.

Extract 5-4: 'Natalie', p.6

```
295  IR:  (1.2) right and you said you had socks on,

     IE:  yeah [like]

     IR:  [(what kind)] of socks.
300
     IE:  d'you know like football socks ((indicates shin)) but
          w- not (.) with the bottom bit (.4) just cut off
          ((cutting action)) (.2) ['s'like]

305  IR:  [okay]

     IE:  a cut off pair of socks.

     IR:  right (6)and they would be what mid (.) calf?
```

On line 295 the interviewer re-states one element of a short and not particularly detailed narrative Natalie has already produced in response to the question 'can you remember what you wearing on the night?'. In this case, the intention to probe around the subject of the socks seems to be immediately obvious to Natalie, and as she produces a confirmation it appears she also attempts to begin to describe the socks in more detail, before the interviewer interrupts with a closed, specific-information-seeking question on line 299. Natalie duly continues, providing a response to this question, using gesture to support her explanation, before finding a satisfactory summary of the explanation which she produces on line 307. The interviewer confirms receipt of the description with 'right' on line 309, before moving on to the

next question, in this case a confirmation-seeking one. Although confirmation-seeking questions would not be recommended in this context since they are inherently leading, there is an argument in this instance that the non-verbal cues given by Natalie justify this choice – having already indicated the mid section of her shin, it seems safe to assume that she will agree to the description 'mid calf'.

Thus, interviewers' intentions when reporting interviewees' speech are often immediately obvious to the interviewee, to the extent that the questions being set up are sometimes not required at all; the interviewee provides further detail in response to the re-statement alone. Since these kinds of utterances from interviewers have previously been categorised as confirmation-seeking questions (Newbury & Johnson, 2006), it is of interest that they provoke such elaborate responses in the data. Although evidence for this in *Extract 5-4* was somewhat limited, in that the interviewer interrupted Natalie before it was possible to ascertain if she had interpreted his RS in this way, there is stronger evidence elsewhere, as shown in *Extract 5-5*, below.

Extract 5-5: 'Becky', p.10

```
522  IR:  u:m (2.1) you mentioned that you'd met Paul before
          down the town?

     IE:  yeah.(.2) u:m I'd gone out with my friends: (1.2)
          must be a month six weeks ago (.6) and Nathan was
          (.) Nathan plays for ((town name)) he doesn't
          actually play for ((town name)) football club (.4)
          u:m (.2) but he was gonna come down and meet us (.)
          cos: the ((town name)) football clubs: were having a
          night out the- hero party they were all dressed as
          superheroes •hh (.4) e:rm (.6) we were in The Kings
          Arms,and Nathan hadn't turned up so I'd walked back
          round (.4) to see where he was (.3) and met Jonesy
          which is the guy I was sat talking to earlier on,
```

In *Extract 5-5* the interviewer's intentions are immediately clear to Becky, and she duly responds to the direction with more detail about her first encounter with the suspect. Although it could be argued that the interviewer's question intonation in this extract has provided Becky with this cue, there is also evidence in the data that interviewees are able to interpret the function of these utterances without this prosodic signal, as in *Extract 5-6*.

Extract 5-6: 'Emily', p.5

```
255  IR:  and you said that you went the opposite direction
          (.6) to your sister in law.

     IE:  yeah she went ((gestures right)) (.) like to the end
          of the bar? (.6) and I went (.4) ((gestures left))
260       the other way for the toilets.=
```

In *Extract 5-6* we see evidence that the interviewee interprets the interviewer's utterance, this time with declarative intonation, as a request for elaboration on a particular element of her account, which she duly provides. A further example appears below.

Extract 5-7: 'Natalie', p.14

```
760  IR:  (.4) right (2.4) okay (.4) ·shih so then (1.2) when
          you said next- you said I remember getting grabbed.

     IE:  (.2) mmm yeah on my arm. ((indicates upper right
          arm))
765
     IR:  (.6) right (.) okay (.7) so can you remember m-
          getting grabbed on- which arm it was?

     IE:  (.8) ah- that one I think ((points to right arm))
770       (.5) yeah cos I was walking s- on- that side.
```

In *Extract 5-7*, Natalie has inferred that what the interviewer is requesting is more specific detail about *where* she was grabbed. It appears this is at least partially conforms to the interviewer's expectations, and he produces a receipt token on line 766 ('right (.) okay') before a specific information question in order to narrow the focus even further ('which arm?'). There are other examples of interviewees interpreting re-statements in this way, as in *Extract 5-8*.

Extract 5-8: 'Becky', p.21

```
1152 IE:  (3.4) the fact he stayed in the room just made it feel
          like he- he thought he was (.2) doing nothing wrong and
          that it was acceptable.
1155
     IR:  (2.2) yeah. you mention (.) this reaction when you told
          him to stop.
```

```
         IE:  it was just (.8) shocked. [he]
1160
         IR:  [he] was shocked?

         IE:  he seemed shocked that I was shouting at him and (1)
              that I didn't want him to stroke my hair and tell me it
1165          was okay.

         IR:  (3.8) °mmm°
```

From line 1156 in the extract above, the interviewer omits any explicit invitation to provide narrative, relying solely on the direction towards the part of Becky's account where she has reported the 'reaction when you told him to stop' to elicit more detail about that 'reaction'. Of further interest in this extract is that the interviewer formulates the confirmation-seeking question on 1161, with stress on the 'he'. Although it is possible that the interviewer is checking his understanding of whose reaction is under discussion, it is also possible that the interviewer is fully aware of whose reaction is being described, and that the clarification is for the benefit of the overhearing audience. Another possibility is that the stress indicates an element of surprise at the suspect being 'shocked' in this situation, the expectation presumably being that if anyone should be shocked it should be Becky. Whatever the explanation, rather than eliciting a straightforward confirmation as might be expected from the form of the utterance, the interviewer's turn on 1161 prompts Becky to elaborate on what she means by the suspect seeming 'shocked' – she interprets the interviewer's turn in a similar way to his previous one, that is, as a direction to a part of her account about which he requires elaboration. Descriptions elicited by RS can often be relatively lengthy and detailed, as in the below extract, from Polly's interview.

Extract 5-9: 'Polly', p.8

```
  401  IR:  can't recall any detail of that (.) ok •hhh so about
            this- this dog (.) you've said straight away that it
            looks expensive (.) and it was a- as if it was an old
            Springer Spaniel.
  405
       IE:  erm it looked like a pedigree.

       IR:  mm hmm.

  410  IE:  um yesterday when I was talking to: Jimmy (.) I said
            it was maybe a Springer (1) or a Cocker Spaniel that
            colour dog (.5) and he explained to me that one with
```

126

```
             high set ears •hh and I said it had high set ears so
             it was a Springer type [dog]
415
       IR:   [mm hmm.]

       IE:   I expect it to be pedigree.

420    IR:   okay=

       IE:   =and it was old it wasn't very active. (1)
             ((unclear))

425    IR:   (.) okay •hhh can you remember anything else about
             the dog at all.=
```

In *Extract 5-9*, the RS on lines 402-404, supported by the minimal responses on lines 407, 415 and 419, is sufficient to elicit a detailed description from Polly about the suspect's dog. It is interesting to note that until line 425 there is nothing here that would be classified as an information-seeking question according to any existing typology. Despite being similar in structure to what some have termed a confirmation-eliciting question, this is evidently neither the RS's intended nor interpreted function. It could be suggested that interviewees responding in the way Polly does is evidence of their orientation to an appropriate 'police interview' frame – having been instructed early on to 'report everything', they do so even in situations where no explicit elicitation has been produced. It is also worth noting here that, as demonstrated in Chapter 4, Polly's, and to a lesser extent Becky's, Natalie's and Emily's interviewers display a relatively good grasp of SWI guidelines, and are relatively successful at personalising the interaction early on, while Angela's and Ellen's fare relatively poorly in this respect. That there are no instances of reported speech that are interpreted as elicitations in Angela's and Ellen's interviews is perhaps not a coincidence – the failure to adequately 'train' the interviewees early on has perhaps impinged on the extent to which they feel they can contribute to the ongoing interaction.

The following extract from Angela's interview demonstrates the effects of omitting RS prefaces to questions. Although Angela's interview does make use of RS, these are rarely collaborative. Thus, there appears to be much less effort on Angela's interviewer's part to re-orient Angela to relevant stretches of her account before probing them. This makes for a rather fragmented interview, with little obvious development of, or connection between, topics.

127

Extract 5-10: 'Angela', p.6

```
330  IE:  (.5) just like family like (.) he wouldn't see no
          harm done to me. (3) •hh hhhh

     IR:  (1) has he ever been to your house before?

335  IE:  never.

     IR:  (1.5) has Gary ever been to your house be[fore?]

     IE:  V: [nev]er. •shih
340
     IR:  I: (3) so what happened when you got out of the taxi
          were you sick?

     IE:  V: •hh no I- (.8) ran to my door (.9) went straight
345       upstairs and I just flaked out onto the bed. •shih
```

The answer Angela gives on line 330 is in response to a question about what she thought the suspect had meant by 'telling me everything would be fine, he'd look after me'. The interviewer does not construct any boundary between this and the next question on line 332 – there is nothing to indicate the interviewer's receipt or acknowledgement of the information, neither is there a stretch of RS to indicate to Angela what to expect next. Rather, the interviewer produces a closed, either/or question following a one second pause, and following Angela's response, a second either/or question on line 337. Once again, no marker is produced to show receipt of the previous answer. The absence of any orienting prefaces to these questions can easily be explained by the fact that they both represent development of the current topic – Angela's relationship with the two men. This does not explain the lack of orientation provided with the third question on line 341, which represents a return to an earlier topic. While it is prefaced by the marker 'so', indicating the start of a new stage of the discourse, there are several problems with the construction of this utterance. Firstly, the interviewer does not prepare the ground for the question, instead relying on the post-positioned adverbial clause 'when you got out of the taxi' to orient Angela to the relevant point in the account. Furthermore, Angela is not permitted to answer this relatively open WH-question 'what happened...', as the interviewer follows it immediately with a closed either/or question, 'were you sick?'. The explanation for the emphatic stress on 'were' is that Angela has already mentioned *feeling* sick in the taxi. What is interesting about the occurrence of this question in this

position is that it reveals how specific the information being sought is – not satisfied that 'what happened...' will get her an answer as specific as she requires, the interviewer upgrades, moving from general to specific. Interestingly, Angela responds to both the questions, first answering in the negative to the either/or question, before offering some detail in response to the WH- question. Simply prefacing the question with an RS segment such as 'you said you were feeling sick in the taxi...' may have gone a long way in creating a more fluent stretch of discourse.

Examples *5-1* to *5-9* have demonstrated how RS orients the interviewee to some relevant point from either her free report or an answer to an earlier question, about which the interviewer wishes to question further. In effect, they have told the interviewee what part of her version of events is going to be discussed next, and in so doing they mitigate any confusion that may arise from sudden changes in topic or disfluency features such as hesitations, false starts and self-repairs. Thus, they can be seen essentially as a co-operative device, and one to be expected as a feature of this type of discourse – once a lengthy narrative has been produced, an obvious method of revisiting the important elements of that narrative is to reinstate each topic in succession, and follow each reinstatement with a question. Some examples presented above have also demonstrated that an awareness of what is expected of them in this type of interaction occasionally leads interviewees to respond to an RS element as if it were in itself a question. It is important to mention here that the prevalence of RS in the data represents a significant tension between the institutional goals of the interview genre, and the interpersonal goals stipulated in the training and interview guidance. While interview recommendations may include instructions to give the interaction a more conversational tone, constant metadiscursive commentary on what has been talked about and what will be talked about next is not typical of ordinary conversation. It is, however, necessary in the pursuit of detailed descriptions of reported events. The next section moves on to demonstrate how RS can be shown to pose a threat to producing an objective record of events under discussion.

5.4 Reported Speech as a Cause of Disjunctiveness

There is great variability across the interviews in terms of what types of question are favoured by the interviewers. Extracts presented so far in this chapter have shown that

the officers interviewing Polly, Becky, Emily and Natalie make quite consistent use of open-ended information-seeking questions, at least during the first questioning phase – in line with significant witness interview guidelines. Other interviewers tended to perform less well in this respect, and as the following extracts show, closed information seeking questions are also often set up with RS. Aside from the structure of question that is selected by the interviewer in the following example, which serves to constrain Angela's response, the RS itself contributes to a decidedly disjunctive interview.

Extract 5-11: 'Angela', p.2

```
88   IE:   •shih (3) he bought me two drinks sat at the table
           (1) two big bottles of cider it was (3) u::m (2)
           •shih they were passing (.) e:rm cocaine between (.)
           him and Gary (.5) quite frequently going to the
           toilets with this small bag, (.) •shih (10) •shih

     IR:   (6) when they were p- when you've said they were
95         passing bags with him and Gary who's Gary?

           (.) e:rm Gary Cole his friend.

           (4) 'nd can you remember what happened after that?
100
           (2.5) it was just like a ongoing thing they'd li:ke
           (.) have their drink (.) pass the bag (.) back and
           fo:rth (.) one'd go to the toilet (.) •shih (.) it
           was just like a ongoing thing they were sharing this
           bag hh.
```

In *Extract 5-11* the interviewer quotes back the element of Angela's narrative she is interested in, and follows it up with a closed question type – a WH- construction designed to elicit specific information, in this case the identity of 'Gary'. The interviewer has re-stated the topic in order to ask a particularising question. Again, referring back to the immediately prior turn rather than some earlier section of narrative reveals that the interviewer attaches value to some part of the content of the interviewee's response. This type of question would not be recommended at such an early stage of the interview, and the brief and unelaborated response it receives, 'erm Gary Cole his friend' demonstrates one of the reasons why. It could also be argued that the effects of this closed question have spilled over into Angela's answer to the subsequent open question '(can you remember) what happened after that?'. Angela's response to this question is markedly constrained, limited to descriptions of what

happened with the bag of cocaine as opposed to 'what happened' more generally. There is a distinct possibility that the closed question has tainted Angela's idea of what is required as a response, constraining both the content and the length of answer she deems appropriate. It can further be argued that the RS itself has contributed to the lack of fluency in this exchange. While the RS seems to set up a theme of the cocaine with 'you've said they were passing bags...', the interviewer follows this up somewhat anomalously with a question not about the cocaine but about the identity of Gary. This is a potential source of confusion, and might explain Angela's focus on the cocaine from line 102 – an expectation that this should be the subject of further discussion at some point has been set up by the RS on lines 94-95.

This section has demonstrated that, since the expectation might be that a stretch of RS sets up the topic for a subsequent question, if the question does not logically follow from the RS there may be a negative impact on the interviewee's response. Although the selection of closed question forms can clearly have a constraining effect, this can be further compounded by the choice of what to re-state in the preceding stretch of RS.

That RS is a routine means by which interviewers signal the interviewee's status as principle behind a message has been touched upon, as has the fact that in constructing a stretch of RS interviewers give the impression that the interviewee also stands as author in relation to the message. The next section moves on to explore the implications of interviewers' potential (re)authoring.

5.5 Reported Speech as a Threat to Authorship

RS is generally considered to preserve the *original* speaker's roles as principle and author, and to an uncritical outside observer is this is indeed the case. However, given the poor capabilities of the human brain to remember even short stretches of talk verbatim, there are a number of occasions when alterations are made to interviewees' wording, with potential negative effects on their credibility or the evidential quality of the interview. As already touched upon, Angela's interviewer performs consistently poorly in terms of question functions, and her use of RS has also given great cause for

concern elsewhere (*Extract 5-11*). A little later she returns to the topic of the cocaine thus:

Extract 5-12: 'Angela', p.4

```
179   IR:   alright you'd said that they'd e::rm had this: (.) bag
            of coke that they'd passed between them had you: taken
            anything?

      IE:   no (.) I'm on medication so I wouldn't •shih take any
            drugs (1.5) a few of my friends take them but •shih I
185         don't.

      IR:   alright •hh you were saying that you were sat chatting
            to Steve how long were you talking to him for? (3) [i-]

190   IE:   [a]bout an hour and a half it was like a good long (1)
            chat.
```

Extract 5-12 shows the interviewer providing two successive stretches of RS (lines 179 and 187) to different parts of Angela's free report, and following each one with a closed question on these two separate topics. The first, an either/or option question requiring a yes/no response, results in Angela not only providing an answer in the negative, but also supporting the truth-value of this answer by providing a reason for her lack of drug use. That she felt the need to reinforce her answer in this way may be evidence of her awareness of the potential negative impact it could have on the credibility of her account had she indeed taken drugs. The interviewer then provides a receipt token 'alright', before directing Angela to another part of her account, 'you were saying that you were sat chatting...', followed by a specific information-seeking question, 'how long...'. When this is compared to Angela's initial account (see *Extract 5-11*, above), a number of alterations are observeable. While Angela states 'they were passing *cocaine*' (*Extract 5-11*, Line 90, my emphasis), when the interviewer attempts to direct her back to this segment for probing (*Extract 5-12*, Line 179-80) she asserts 'you'd said that they'd...had this bag of *coke*', using a colloquial term for the drug that one might assume to be institutionally dispreferred. Likewise, while Angela had stated 'I was sat *talking* to Steve', when the interviewer takes her back to this point the same event is constructed as 'you were saying that you were sat *chatting* to Steve' (*Extract 5-12*, Line 187). There are some worrying effects of these alterations. Firstly, the words of the interviewer are attributed to Angela with the use of 'you'd said' or 'you were saying'. Secondly, Angela has no opportunity to

challenge this attribution – these stretches of RS are not questions to be answered, or formulations to be confirmed or disconfirmed – they are merely precursors to questions, and as such are followed up, immediately and without pause, by the part of the turn the interviewee *is* expected to respond to. Since, arguably, referring to cocaine as 'coke' suggests some higher degree of familiarity with the substance than using its full name, and 'chatting' implies some higher degree of intimacy than 'talking', the possible implications for this in terms of the interviewee's perceived credibility are obvious. In *Extract 5-12*, Angela adopts the term 'chat' on line 192, after the interviewer has introduced it, but she does so after a substantial pause and it is uncertain whether she would have done so without the verbal prompting. Either way, it should surely remain a matter of concern that interviewing officers are able to misrepresent interviewees' accounts in this way.

Although the RS can generally be seen as an essentially supportive device, when poorly applied as in the case of Angela, whose interviewer directs her to unrelated, non-sequential elements of her narrative and combines their use with closed questions, they can make for an exchange that lacks fluency. In *Extract 5-12*, for example, there is no discernible connection between the second question (line 188) and Angela's previous turn (Lines 187 – 188) – the interaction is not progressing in a step-wise manner. This section has demonstrated the worrying effects that the misrepresentation of interviewees' words can have on both the structure and the content of the interaction. Through RS interviewers are able to attribute messages to interviewees, and further to portray them as the author of those messages, thereby 'putting words into their mouths'. The asymmetrical nature of the interview (which, in the case of Angela, the interviewer has done little to mitigate – see Chapter 4), and the sequential organisation of RS, makes it difficult for interviewees to challenge these attributions. Of crucial importance is the possibility that the interviewer's words, masquerading as those of the interviewee, are the ones to appear in the negotiated, final version, thereby creating the potential for challenge from cross-examiners.

5.6 Reported Speech as Challenge
Of some concern is that interviewers often display behaviour more befitting of hostile cross-examiners than impartial gatherers of evidence. The next extract is taken from

Angela's interview, and the interviewer uses Angela's 'own words' as a base from which to launch a challenge of a particular aspect of her report.

Extract 5-13: 'Angela', p.8

```
429  IR:  (2.5) right (.5) wh- when you said you'd come in and
430       you'd ran straight up the stairs to get into bed or
          on to the bed because you felt ill •hh but you said
          that Gary: was on the settee how did you know that
          he'd sat on the settee?

435  IE:  (3) cos Steve had come up (.) for pillows for him (.)
          I knew he was on the settee.

     IR:  •hh so did you actually see him on the [settee]

440  IE:  [no]

     IR:  right=

     IE:  =just Steve come up for pillows
445
     IR:  (1)[right]

     IE:  [unless]that was before I was sick or after I was
          sick
450
     IR:  (.5) so at some point (.5) Steve had came up and
          asked you for pillows and [wh-]

     IE:  [and] some bedding (.) and I said it's all in the
455       cupboard (.) the bedding for the (.) •shih

     IR:  (1) and that was how you were aware that Gary was on
          the se[ttee]

460  IE:  [aye]
```

In *Extract 5-13* the interviewer presents two RS elements, and draws a contrast between these two elements with the use of 'but' on line 431. This choice reveals the interviewer's assumption that Angela's reported action of running 'straight up the stairs to get in to bed or on to the bed' (lines 430-31) makes her assertion that 'Gary was on the settee' (line 432) problematic. There is further support for this in the specific information question that follows, 'how did you know...'. There are similarities between this type of question and 'why...' questions, as explored by Ehrlich (2001). While 'why...' would function as a challenge to the appropriateness of an interviewee's behaviour, 'how did you know...' functions as a challenge to her capacity for knowledge. Despite a response from Angela asserting that she *does* have capacity for this knowledge (based on her observation that 'Steve had come up for

pillows for him') on line 435, the interviewer continues the challenge, this time with an even more specific question (and arguably a redundant one in light of Angela's previous answer), 'so did you actually see him...', with emphatic stress on 'see'. This indicates the interviewer's assumption that the only, or at least the best, basis a person can have for asserting their knowledge about some state of affairs is to have been an eye witness to it. Despite answering in the negative on line 440, Angela makes an attempt to defend her position by repeating the basis for her knowledge that Gary had been on the settee. However, prefacing this repetition with 'just' has the effect of at least partially conceding that this is perhaps not as 'good' evidence of this having been the case as if she had in fact *seen* him on the settee. Both the negative answer and the hedged repetition are received by the interviewer with 'right' (lines 443 and 447). Given the relative scarcity of receipt tokens from this interviewer there is a possibility that their presence here is significant, perhaps casting Angela's responses in a negative light, or at least indicative of some problematic process of attempting to comprehend her explanations. Angela's further offering – that she is unsure of when Steve came up for pillows in relation to when she was sick – is effectively ignored in the interviewer's formulation on line 451. The interviewer glosses the uncertainty with 'at some point...', and the formulation is taken as an opportunity by Angela to add more details – that it was bedding as well as pillows, and that she had told him where to find it. These additional details may well represent an attempt by Angela to strengthen her claim for knowing Gary's whereabouts.

The value attached to the witnessing of an event as the best possible grounds for knowing it occurred arguably forms part of police institutional ideology, and is thus a predictable upshot of the interviewer's institutional role. There is evidence elsewhere in the corpus of interviewers' use of RS contributing to a display of a more general ideology, constituting particular assumptions about sexual violence. Again these have the potential to pose a challenge to some reported behaviour. An example appears in *Extract 5-14*, in which the relevant earlier segment from Becky's account is included, as well as the later exchange in which the interviewer directs her back.

Extract 5-14: 'Becky', p.20

```
1093  IE:   (.7) he sat and told me to shush. (4.8) and when
            Nathan woke up he obviously didn't (.6) he was just
            like (.4) what's going on and I'm screaming to tell
            him to get away from me and •hh not to let him hurt
            me. (2.5) started crying and then(.8) hitting Paul.

            ((ten lines omitted during which they discuss how
            she felt))


1113  IR:   (1.4) °mmm° (34.2) you said you were saying (1)
            don't hurt me or don't let him hurt me (.4) what
            made you think (.6) that he was gonna hurt you ((or
            that he was hurting))

      IE:   cos he was having sex with me and I didn't want to.
            (11) and that is hurting me.
1120
      IR:   (.4) yeah. mm (.5) •hhh I just wanted to get the:
            (.7) the way you were thinking and obviously that is
            hurting you [but]

1125  IE:   [that] is hurting me [I wouldn't]=

      IR:   [I was]

      IE:   =let him do that to me.
1130
      IR:   I was (1.4) just exploring whether there'd been any
            physical threat [or]

      IE:   [no.]
1135
      IR:   or anything like that.

      IE:   no. (2.4) it was only me that hit him. (.5) he
            didn't hit me back.
```

After acknowledging Becky's response to his prior question with the receipt token 'mmm' on line 1113 , the interviewer re-states Becky's claim that she had, on waking to discover the suspect engaging in intercourse with her, attempted to wake her partner by 'saying don't hurt me or don't let him hurt me'. It is interesting to note that although Becky's account uses the words 'screaming to tell him...', the interviewer has altered this to the more neutral verb 'saying'. As with other examples discussed in this chapter, it would be problematic for Becky to challenge this rephrasing – firstly, the words are being presented as her own, and secondly she is given no opportunity to confirm the accuracy of the interviewer's version before he moves into the particularising question on 1114, 'what made you think...'. To ask 'what made you think...' is itself worthy of further discussion. Just as the 'how did you know...'

question directed at Angela in *Extract 5-13* constitutes a challenge to her basis for knowing the information she has provided, so 'what made you think...' suggests that the interviewee's reasons for reaching that conclusion are not immediately obvious. It would be unusual, for example, to enquire of someone who had reported seeing a red bus, 'what made you think it was red?'. The premise of the question on lines 1114-15 appears even more anomalous when we consider that Becky has already provided the information that during this time, the suspect was engaging in intercourse with her without her consent. The interviewer has displayed a reliance on an interpretative repertoire of forced penetration being distinct from 'hurting' someone. Becky challenges this assumption quite convincingly on line 1118 with 'cos he was having sex with me and I didn't want to' – repeated information which displays a view diametrically opposed to the interviewer's. Syntactically and semantically complete, with falling intonation, Becky's turn is quite obviously over, and she has offered the floor back to the interviewer. However, an eleven second pause follows, without so much as a receipt token or hesitation marker from the interviewer. As well as indicating that he does not deem Becky's response to be sufficient, this failure by the interviewer to take the floor forces Becky to continue her turn. In ordinary conversation this would be considered a lapse, and a new topic would be initiated. In the continuation of her turn, Becky categorically describes non-consensual sex as a form of 'hurting'. On line 1121 the interviewer displays acknowledgement of this response, before attempting to backtrack somewhat – using the hedge 'just', he downplays the significance of the conflict, and attempts to justify his original question by explaining what his intention was, 'I just wanted to get the way you were thinking'. He then indicates that he is in agreement with Becky's categorisation, 'obviously that is hurting you', and then Becky, in an overtly challenging move considering her relatively powerless position, talks over him, once more reiterating that 'that is hurting me, I wouldn't let him do that to me', which she successfully completes despite an attempt from the interviewer to reclaim the floor with further justification for his question (line 1127). He attempts again on line 1131, this time successfully, but still revealing the same assumption – that forced intercourse is somehow separate from 'any physical threat'. The emphatic stress on 'physical' further supports that this is 'new' information (Brazil, 1992), somehow different from what has gone before, and functions to contrast 'physical' with other types of 'threat'.

Becky, unsurprisingly, finally acquiesces to this definition, responding in the negative on lines 1134 and elaborating on lines 1138-39.

Like the distinction between rape and violence, the relevance of the victim's intoxication forms part of the prevalent assumptions around sexual violence. In *Extract 5-15*, Angela's interviewer produces RS which not only constrains Angela's response but can be construed as potentially blame-implicative.

Extract 5-15: 'Angela', p.5

```
240  IR:  [mmm] (1.5) how were you feelin: in The Dingo how were
          you: feeling i- cos you said that you're on medication
          and you'd already had a (.) a lot to drink [ear-]

     IE:  [I] felt quite drunk but I think when you get outside
245       it hits you more y'know like wh- when you start
          travelling a taxi I can't (.) travel when I've had (.)
          too much to drink (.) •shih

     IR:  (1) so how would you describe how you actually felt
250       while you were in there?

     IE:  (.5) quite drunk.

     IR:  (1) 'nd how does quite drunk make you feel?
255
     IE:  (1.5) I couldn't walk straight (.) like like giddy
          when walking ((meanders with outstretched hand)) (.)
          •shih

260  IR:  (2) was anything mentioned about how drunk you were?

     IE:  can't ((unclear)) •hh hhhh

     IR:  (1) can you think?
265
     IE:  •hhhhh hhhhhhh (2) no I don't think there was

     IR:  (.5) did Steve mention: about how much you'd had to
          drink o::r did he notice that you were gi[ddy]?
270
     IE:  [no](.) don't think he did
```

The interviewer re-states details attributed to Angela that a) she is on medication and b) she had already had a lot to drink. However, it is neither of these details about which she intends to question Angela. She presents the details in order to provide a basis for the question 'how were you feelin', and to indicate to Angela exactly how she is framing 'feeling' – in this case not an emotional feeling, but physical feeling *in light of* these two details. Angela responds that she felt 'quite drunk' and qualifies this

with more detail about the taxi journey exacerbating her drunkenness. This is clearly not an appropriate answer as far as the interviewer is concerned, since she reformulates it as a *so-* prefaced information-seeking question and asks it again. The *so-* here indicates that the question remains at least partially unanswered or in need of development, as does the word 'actually', with emphatic stress. Angela summarises her first answer for the second attempt on line 253, and again this is treated as unsatisfactory by the interviewer, who requests more detail about what it is to feel 'quite drunk' on line 255. Not until the concept of 'feeling drunk' is explored do we see the interviewer's intention – to establish what visible signs of drunkenness Angela may have been displaying, and the extent to which these may have been picked up on by her attacker. The general 'was anything mentioned...' on line 261, despite receiving a negative response, is nevertheless reformulated to the more specific 'did Steve mention...' on line 270 (one of numerous occasions on which this interviewer moves from general to specific questions, the latter of which are logically overruled by the answers already provided to the former). Unsurprisingly, it receives the same negative answer. Through providing Angela's 'own words' as a basis for the initial question, the interviewer attempts to demonstrate the frame within which she is operating. The repetitive questioning that follows demonstrates that this attempt has been unsuccessful. Furthermore, it is useful here to explore possible reasons for including these particular details – Angela being on medication and the fact she had already been drinking – as relevant to the question of how she felt. It gives a somewhat suggestive impression, indicating a preference for an answer that confirms that these two facts did indeed have some impact on her physical state. Whereas 'how were you feeling?' is relatively neutral in terms of the response it expects, the inclusion of 'cos you said...' constrains Angela's response to how these factors in particular affected how she felt. It might also be tentatively suggested that by presenting the medication followed by the decision to drink a lot, there is an implication that she holds some responsibility – she knew she was on medication, she drank a lot anyway, and it is 'common sense' that this decision would have ramifications.

Extract 5-16 is from a little later on in Angela's interview, and the interviewer is again questioning around the topic of how Angela was 'feeling', this time after she

had awoken for a second time (she had been unable to move the first time she regained consciousness).

Extract 5-16: 'Angela', p.11

```
594  IR:  (3) and how did you feel then?

     IE:  ((unclear)) physically sick.

     IR:  (2) so what did you do.

600  IE:  (1) wriggled I'd- I'd- I trie:d to do it so that I
          didn't wake him I didn't wanna wake him up (.5) and I
          wriggled myself out (.) and I went (.) straight in to
          the front room and got my phone walked out into the
          garden and I called the police (2) cos I felt like
605       something had (.) happened to me (1.5) that was wrong.

     IR:  (2) and how were you feeling physically then?

610  IE:  (1.5) I think I was in shock (2) I just e:r I just
          couldn't get my head round it.

     IR:  (6.5) you know when you were saying how you felt (1)
          when he was laid on top of you 'nd (.) you couldn't
615       move (2) this time when you've woke up you've managed
          to get out of bed how did you fee:l?

     IE:  (4.5) I don't know I dunno where I got the (.) courage
          from to get up and (1) go downstairs. •shih
```

The relevant assumptions drawn on this time relate to victims' post-rape behaviour. On line 594 the interviewer asks Angela how she felt, and Angela treats this as an enquiry about her physical state, responding with 'physically sick'. After a two second pause the interviewer then questions her about her subsequent actions, and following her description Angela supplies the further information that she 'felt like something had happened to me that was wrong' (lines 604-5). The interviewer then *again* enquires as to how she was 'feeling physically then' (line 607), with contrastive stress on the first syllable of 'physically'. This would suggest that what Angela has provided so far in terms of information about how she felt has *not* been related to physical feelings, despite the earlier response 'physically sick'. This might explain the pause of 1.5 seconds, after which Angela responds that 'I think I was in shock...couldn't get my head round it' (lines 610-11). After a 6.5 second pause, perhaps indicating that Angela's response has not been satisfactory, the interviewer makes another attempt, this time re-stating selected pieces of information from Angela's own account of events, before repeating the question 'how did you feel'

again on line 616. Perhaps the interviewer does not consider 'in shock' to relate to physical feelings, so she re-presents certain elements of Angela's report in order to direct Angela towards the 'correct' answer. There are two pieces of information that the interviewer chooses to re-present as a basis for her question – i) that earlier, she had been unable to move, and ii) that at this (later) stage she had managed to get out of bed. The two second pause and contrastive stress on 'this' on line 615 serves to draw a contrast between the two statements – it highlights the differences between Angela's reported state at these two different moments in time. In presenting the two statements as a basis for the question, the interviewer is effectively saying 'you said that you couldn't do it earlier, then you did, this requires an explanation if we are to believe you'. This, along with the repetitive style of questioning, gives a somewhat hostile feel to the exchange, and there are many other examples within this interview where the interviewer's questioning feels more like cross-examination. The pause before Angela responds on line 617 seems to indicate that she finds answering the question problematic (unsurprising, given that she has already supplied two different answers to this question within the six preceding turns: working out precisely what answer the interviewer is seeking would prove problematic for anyone). It seems clear from the analyst's perspective that the interviewer is seeking an explanation for the change in Angela's physical state, and thus for her inaction on the first occasion she woke up and thought she had been raped, with the suspect asleep next to her – this sequence therefore seems to be tied to the assumption that a woman who has been raped would make every attempt possible to escape her attacker.

Another theme that has frequently been identified in discourse analytical studies of rape is that of 'appropriate' resistance (see Coates, Bavelas & Gibson, 1994; Ehrlich, 2001; Fairclough, 1995). At one time in the United States there existed a legislated "utmost resistance" standard for convicting of rape – that is, a woman had to demonstrate that she resisted to the utmost of her capabilities if she wanted to claim that she did not consent. Despite no longer being official, it has been demonstrated that the standard is still fully functioning below the surface, and there are a number of examples in the data of interviewers displaying an orientation to it. One of these appears below.

Extract 5-17: 'Emily', p.16

```
904   IR:  °°right°° (1.8) and (.8) whilst all this (.5) was
           happening (1.3) you said you had your hands on his
           chest (.8) was there anything else that you did (1)
           that you felt (.8) woul- °dunno what I'm trying to
           say here° (3.8) y- you're saying that- you obviously
           reported this to the police that you didn't want this
910        to happen.

      IE:  (1) ((shaking head)) ((°°unclear°°))

      IR:  okay (1) how do you think that h- th- that you
915        portrayed that to him?

      IE:  (2.8) e:rm (3.9) °don't know° (1.6) [a l-]

      IR:  [when um]
920
      IE:  a lot of people (1) take advantage that I wear a
           short skirt when I go out that I'm- (.5) I'm (.)
           easy? (1.7) but I've never (1.7) I've never given
           anybody the come-on.
925
      IR:  (2.8) right (.2) when e:rm (.9) you were outside
           Luigi's (.7) and you were cold and you said you were
           (.6) ((rubs arms)) trying to warm yourself up •h can
           you just describe how (.9) he came to (.6) cuddle you
930        (.) that you described earlier on?
```

As the interviewer's use of 'this' on line 904 indicates, it is not a topic much earlier in the interview that is being revisited, but rather the current topic that is being continued. However, 'you said you had your hands on his chest' is referring Emily to a specific aspect of the current topic – her resistance. The question that this statement sets up proves problematic for the interviewer to construct, as flagged by the noticeably quieter aside on line 907-8. The content of the aside suggests that the interviewer is attempting to avoid betraying an expectation of more resistance – an expectation he nevertheless does eventually betray. He changes tack, and uses another reflexive statement on line 908, 'you obviously reported this to the police that you didn't want this to happen' rather than producing a question right away. This reflexive statement is quite obviously produced as a basis for the question that follows on lines 914-15, 'how do you think that...you portrayed that to him?'. This question firstly implies that it would be expected for a woman in Emily's position to give some more indication that she did not want intercourse; secondly, that there are set ways of portraying a lack of desire to have intercourse (including having ones hands on his chest, as is evident from the first attempt at formulating the question on line 906, 'was there anything *else*'). Of further interest is the emphatic stress on 'him', suggesting

that, while the interviewer understands the meaning of Emily's actions, the attacker is not necessarily expected to have interpreted the pushing as a signal that she did not want sex. The two substantial pauses divided by a filler before Emily's non-commital reply on line 917 could be an indication that these assumptions do not correspond with her own, or that she is having trouble understanding exactly what kind of answer the interviewer expects. She finally gives a more detailed answer, and once again we see an interviewee finding it necessary to justify her behaviour on line 923-24 'I've never given anyone the come-on'. In effect, she is forced into denying the opposite behaviour from where the sequence started. For Emily, not having given 'the come-on' is evidence enough for her lack of consent. The interviewer seemingly abandons the line of questioning on line 926, moving on to discussion of a different segment of Emily's report.

This section has demonstrated that on occasion, information is re-stated because of the interviewer's assumption of its relevance to an upcoming question. The examples presented here have demonstrated that uncovering the perceived relevance has the potential to reveal similar assumptions about sexual violence to those that have previously been identified in other types of discourse. The assumptions exposed in this section have been shown to relate to challenges to a victim's capacity for knowledge; the distinction between rape and violence; the victim's use of intoxicants; the victim's post-rape behaviour; and 'appropriate' resistance. These recurrent themes will be expanded upon in Chapter 7, where Emily's account will be discussed in greater detail .

5.7 Chapter Summary

This chapter has demonstrated that there are several potential effects of interviewers producing stretches of RS – quoting interviewees' words back to them – during the questioning phases. While some uses of RS have been shown to have an essentially collaborative effect, effectively re-orienting interviewees to stretches of their earlier report as a point of departure for subsequent questioning, other uses can be heard to have somewhat less positive effects.

As well as the occasions on which interviewers' use of RS can be heard to constrain interviewees' responses, the discussion has demonstrated that in re-stating earlier stretches of interviewees' talk, interviewers often attribute words to their interviewees inaccurately, bringing their own influence to the final, negotiated version of events. Although the changes are often seemingly minor and of little consequence, some of the extracts reproduced here have shown that simply substituting one word for an apparent synonym can have a significant impact on the way events or people are portrayed. At the micro-level, the very fact that elements of interviewees' reports are presented as the words of the interviewee, through use of 'you said...' or 'you mentioned...', makes them particularly difficult to challenge. This difficulty is further compounded by the often swift following-up of RS with a question, meaning that any response from the interviewee is expected to relate to the question, and not the RS, the proposition in which therefore remains unchallenged (and unchallengeable).

At the level of discourse situation, should any such discrepancies be noticed and resented in ordinary conversation, it would not be particularly problematic for the recipient to initiate a repair. In police interview discourse, however, the power imbalance and the goal oriented nature of the talk mean any such challenge becomes a near impossibility. Aside from any possible trauma, interviewees are likely to be more concerned with reporting all they can remember than with subtleties of wording. It is worth mentioning here that interviewers who have some success at personalising the interaction (see Chapter 4) display a tendency to use RS in a more collaborative way, and in particular manage to have their RS segments heard to 'stand alone' and function as elicitations. With no follow-up questions, stretches of RS used in this way are far less problematic for interviewees to challenge, should they wish to.

Finally, at the macro, socio-political level, many of the changes made to interviewees' accounts have been shown to hold potential for jeopardising their credibility or otherwise disadvantaging their cases, in that they allude to certain ingrained assumptions about sexual violence and the women who report it. Participants' reliance on particular cultural resources for the description and explanation of events is initially further developed in Chapter 6 during analysis and discussion of another reflexive phenomenon – formulations – and later provides the central focus of Chapter 7.

Chapter 6 : "...and you'd said 'yes' because you were enjoying the company". Interviewers' formulations of interviewees' talk

6.1 Introduction

This chapter examines interviewer's use of formulations during the information gathering phases of the interviews. To re-cap, a formulation is 'a paraphrase of some prior utterance' (Hak & de Boer, 1996:84) and involves 'summarizing, glossing or developing the gist of an informant's earlier statements' (Heritage, 1985:100). Formulations necessarily involve the preservation, deletion and/or transformation of elements of the original account, and it is on this basis that they have the potential to reveal assumptions held by interviewing officers about the relative importance of particular details provided by the interviewee. An examination of the details that are preserved, as opposed to transformed or deleted, plays an important role in attempting to uncover what interviewers perceive to be of greater evidential value. As pointed out elsewhere, formulations offer a *candidate re-presentation* of another speaker's talk involving the foregrounding of elements perceived as particularly salient, and thus are 'rarely entirely neutral' (Hutchby, 2005:310). Much as in child counselling sessions (Hutchby, 2005) and psychotherapy interviews (Hak & de Boer, 1996) the production of formulations in police interviews is motivated by an underlying agenda, associated with the setting of the talk and institutional priorities. Thus, in police interviews, as in broadcast news interviews (Heritage, 1985), formulation is a device employed by interviewers to summarise meaning, not for their own benefit, but for the benefit of the audience – the 'absent overhearer'. In light of this it is perhaps unsurprising that formulations are rare in conversation, but are to be expected in many types of institutional, goal-oriented talk (Heritage, 1985). Because a formulation is compiled from the other participant's earlier talk, it is another means by which principalship for an utterance is distanced from the speaker. Thus, interviewees retain authority for the content of interviewers' formulations, although significant changes may have been made to the wording.

In terms of the sequential positioning of formulations, they generally occur in third-turn position, that is, produced by a questioner after receipt of an answer. Formulations minimally require a confirmation as the preferred response. As dispreferred responses, bare disconfirmations are rarely produced (Hak & de Boer, 1996). Rather, the effects of a

disconfirmation are usually mitigated in some way. In the following extract, for example, Angela produces a partial confirmation in response to a formulation, before supplying additional information that suggests the interviewer's gloss is not entirely satisfactory.

Extract 6-1: 'Angela', p.11

```
618  IR:   (11) I know you said you haven't seen Steve for
           quite a lot of years you said five or six times in
           the last what ten or eleven years what kin- how
           often would you have seen him befo:re(.) that when
           you were younger.

     IE:   quite frequent we were always at each other's houses
625        like (.5) we used to go every Sunday up to his house
           (.) with my mum ·shih

     IR:   (.5) is it his mam and your mam=

630  IE:   =they're sisters yeah.

     IR:   (1) so you'd see him every week.

     IE:   °yeah (.) when we were growing up° ·shih but when I
635        used to be poorly I used to go and stay there for
           like (.)when I used to come out of hospital with my
           ((health complaint)) I'd (.5) go there for a week
           til I (.) recovered you know [...]
```

The interviewer produces a formulation on line 632 which glosses Angela's response on lines 624-626 about the frequency of her visits to the suspect's home when she was younger. The formulation only preserves the regularity of the visits, and deletes all the other elements, for example the day of the week she would visit, and the fact that her mother would accompany her. This suggests that it is the regularity of the visits that is perceived to be most salient, and most relevant to the institutional goals of the interview. Rather than producing a minimal confirmation, however, Angela takes the opportunity to elaborate on the topic of her visits, providing the additional information that as well as the weekly visits, there were times she would stay for as long as a week after coming out of hospital. This would suggest that Angela does not perceive the interviewer's formulation to be an entirely adequate representation of the amount of time she spent with the suspect as they were growing up. Thus, interviewers' formulations can provide interviewees with an opportunity for clarification.

6.2 Formulation as 'Co-operative Recycle'

The co-operative recycle is one function of formulations explored by Heritage (1985) in the context of new interviews, and this can also be identified in the police interview data. Consider the following extract, for example, where a formulation from the interviewer is

treated as 'accurately and agreeably re-present[ing] the interviewee's stated position' (Heritage, 1985:106). Polly has just explained that she had been advised not to drink alcohol while taking her prescribed antidepressant medication.

Extract 6-2: 'Polly', p.15

```
803  IR:  (1) okay •hh is that purely because it stops the
          medication working or does it have any adverse
          effects with the alcohol.=

     IE:  =um (.) well alcohol is a depressant=

     IR:  =mm [hmm]
810
     IE:  [so] it (.) it just makes (.) um medication useless
          really.

     IR:  okay(1) so it's th- it's- it's- sort of e:rm (.)
815       counteracting the antidepressant with a depressant.

     IE:  yeah.
```

The interviewer's formulation on lines 814-15 represents a more formally worded yet unproblematic gloss of Polly's response on lines 807 and 811-12, which Polly subsequently confirms on line 817. Thus, it functions as what Heritage terms a 'cooperative recycle' (1985:106), that is, the interviewer is co-operating with the interviewee to get the interviewee's point across. This extract also demonstrates the types of sequence within which formulations are most usually found – as third-turn receipts following question and response sequences. A confirmation or denial is what is to be minimally expected in response to a formulation (Heritage, 1985), and a confirmation is preferred, as is evident from Polly's instantaneous and unqualified response. Another example of formulation as co-operative recycle, again displaying the preferredness of confirmation, appears in the next extract.

Extract 6-3: 'Natalie', p.8

```
432  IR:  (.6) ((writing))° so there's five people° (2) °okay°
          (.6) now (.) were they with you er:m (.2) most of
          the night or,
435
     IE:  erm [Malibu]

     IR:  [varied]

440  IE:  we split up [and we'd]

     IR:  [varied]
```

```
        IE:  see each other=
445
        IR:  =but up until up until (.) Malibu you were all
             together.

449 IE:  (.7) yeah.
```

Extract 6-3 follows on from Natalie giving the names of the people she was out with, and, in response to being asked if she was with them 'most of the night', Natalie attempts to explain that after arriving at the nightclub there were a number of occasions on which her party of friends split up and regrouped. Perhaps pre-empting her answer, the interviewer produces two overlapping segments on lines 438 and 442. It is probable that this overlapping and Natalie's somewhat vague explanation are what motivate the interviewer to produce the formulation on line 446-7. In light of Natalie's obvious difficulties in explaining the situation *after* arriving at the nightclub, the interviewer draws out an inference – that *prior* to arriving at the club they were 'all together', and offers this possible reading of prior talk back to Natalie for confirmation, in an attempt to assist her in constructing her account. The interviewer is likely to also be motivated by a requirement to make clear, for the overhearing audience, the gist of Natalie's contribution. Natalie provides a confirmation on line 449.

The next extract is from a little later in the same interview, when the interviewer returns to the topic of who Natalie was with throughout the evening.

Extract 6-4: 'Natalie', p.10

```
555 IR:  yeah (.) 'n d'you kno:w (1.6) e::rm (1) tt (1.2) time
         wise (.) when y- when you've regrouped or-

    IE:  we didn't regroup- we'd regroup then (.) split up
         again [so:]
560
    IR:  [oh right]

    IE:  it's like we've never ((stood there)) for the longest
         period of time.
565
    IR:  ok (1) so (.3) constantly (.3) regroup (.) split back
         up again=

    IE:  =yeah.
```

In her response to the interviewer's question Natalie makes another attempt on line 557 to explain the ongoing splitting and regrouping, to which the interviewer first produces a 'newsmark' (Jefferson, 1981) in an overlapping segment (line 561). As discussed earlier,

such items are 'massively absent' in most institutional interactions, given that the talk is generally produced for a silent participant and interviewers do not align themselves as primary recipients of the information (Heritage, 1985). The interviewer's production of the news receipt is perhaps evidence that despite Natalie's explanation in *Extract 6-3*, the interviewer had not, prior to this point, fully comprehended the situation she was describing. He thus produces the news receipt, treating Natalie's second description on lines 558-559 as new information, and aligning himself as the recipient of such. There is thus a possibility that the formulation he produces on lines 566 to 567 is designed to check his own understanding of prior talk, and summarise his understanding for the benefit of the overhearing audience, as much as co-operating with Natalie in the construction of her account. Again we have evidence for the preferredness of confirmations in Natalie's latched response on line 569.

As the relatively unproblematic extracts in this section have shown, a formulation can be produced as a means of assisting an interviewee in conveying their message, by offering a paraphrase of prior talk which agreeably represents the stated position. It is probable that the interviewer's formulation, as the 'final' version, will be the version that is recorded by the police scribe once it has been confirmed by the interviewee. Thus, it is likely to be the interviewer's gloss that survives the transition from interview to written statement. There are obvious potential negative implications of this, which this chapter will later move on to discussing. The next section, however, examines formulations that function to project a topic over a further turn, encouraging the interviewee to elaborate on their response.

6.3 Formulation as prompt

According to Heritage, formulations are generally used in news interviews to 'prompt interviewees to reconfirm *and elaborate* their prior remarks' (1985:105, my emphasis). By re-stating interviewees' statements, interviewers are able to draw out particular elements and preserve them as a topic of further talk. This process is also evident in the police interviews, with interviewers drawing out elements of interviewees' statements for further elaboration, presumably on the basis that these elements are of particular salience within the institutional context of a rape investigation and potential prosecution. In the following extract, for example, the interviewer produces a formulation to prompt elaboration from Polly on the topic of the suspect's hair.

Extract 6-5: 'Polly', p. 7

```
  348  IR:  °okay° •hhh you've described him as having (.5) short
            dark hair (.) sort of shaven.

       IE:  mmm (.) e::rm (1.5) like a n- a number four or five.

       IR:  okay (4) so that's sli- slightly longer than having
            it like shaven (.) to the head.
  355
       IE:  no it wasn't (.) like that but it wasn't sort of
            floppy (.) hair.
```

The interviewer begins on line 348 with a stretch of reported speech (RS), directing Polly back to the part of her earlier account where she had described the suspect's hair. Polly responds to this first with the minimal response 'mmm', indicating a confirmation of the re-presented information, followed by a pause before she elaborates on this description (see Chapter 5 for more on RS functioning as elicitation). The interviewer's formulation on lines 353-354 can be heard as prompting Polly to elaborate, in that it indicates Polly's description on 352 as having altered, albeit slightly, the initial description of the hair as 'shaven', thus requiring further explanation. In producing the formulation, the interviewer signals that the description has been modified from what might have been understood from Polly's original. The formulation is accepted by Polly on lines 357-358, and she goes on to explain that 'it wasn't sort of floppy hair', placing her description somewhere between 'shaved' and 'floppy'. Thus, although the formulation in this extract has been designed and responded to as a prompt, it also functions to assist Polly in the construction of an 'accurate', and thereby institutionally useful, account of events. In the next extract, where Becky is talking about her daughter and her relationship with partner Nathan, the prompting formulation functions somewhat differently.

Extract 6-6: 'Becky', p. 5

```
  259  IE:  didn't actually mix until recently when I started
            seeing Nathan.

       IR:  °right°

       IE:  a:nd he's one of the very few that've actually been
  265       introduced to her never mind (.) being in the house
            at the same time as her. •hh

       IR:  (.6) mm (.9) and h- how long have you and Nathan been
            together?
  270
       IE:  •h I met him last August but we started seeing each
            other in January.
```

```
      IR:  (.) °right° (5) does he: e:r have his own house? or
275        is [he]

      IE:  [he] lives with his mum. in ((town name)). (.4) but
           he spends a lot of time with us. (2.1) °gives us a
           lot of sup port°. hhh
280
      IR:  °mmm°

      IE:  (1.1) °good with Sophie so:°=

285   IR:  =°mm°

      IE:  °it's nice.°

           ((34 lines omitted as officer reverts to descriptions
           of procedure))

316   IR:  =that's all •hh (4.1) so y- you're getting on alright
           with Nathan then.

      IE:  (.) yeah (.) we had a rocky bit co- (.3) bout a month
320        ago couple of [months]=

      IR:  [mm]

      IE:  =ago •hh but we se- definitely settled himself down
325        and pulled his socks up bless him! hehehe [•hh]

      IR:  [hmmhmmhmm]
```

As well as summarising the gist of Becky's earlier description of her relationship with her partner, the interviewer's formulation on lines 316-17 functions to re-instate this topic, after he has spent some time describing the interview procedure to her. Thus, it draws out Becky and Nathan's relationship as a topic of further talk, and succeeds in eliciting a continuation of the topic from Becky in her subsequent turn on lines 319-325.

The extracts presented in the last two sections have demonstrated relatively straightforward use of formulating practices, with interviewers making use of them in order to summarise and direct the discussion in particular directions – a manifestation of their power at the local level. The remainder of the chapter will be devoted to the ways in which interviewers use formulation to transform interviewees' accounts in to objects of value to the investigative and/or evidential process, thus demonstrating the institutional power of the police and criminal justice system in a wider social context. On occasion, formulations also reveal particular ideological assumptions inherent in this wider context.

6.4 Formulating for institutional relevance

We might expect to find interviewers using formulations as a way of transforming interviewees' accounts into institutionally useful objects, just as Hak & de Boer (1996) found in the context of initial psychotherapy encounters (see Chapter 3). It is often clear on examination of the content of interviewers' formulations that they represent attempts to distil from interviewees' accounts the salient details that will assist in the pursuit of the goals of the interview, as defined by the institutional context within which they occur. In *Extract 6-6*, for example, information that Natalie provides about her movements after leaving the nightclub is re-formulated by the interviewer in a way that makes the implications for the investigation obvious.

Extract 6-7: 'Natalie', p.27

```
1554  IE:   •hh (.7) °nothing° (2) I know s- what I- was
            walking around a lot. (1) er I was just (.8)
            didn't know what I was doing and I was just
            walking around (.) couldn't- just around (.7)
            Malibu outside the front just walking around on
            my own looking around for- •hh cos I didn't have
1560        a clue what to do where I was going and how m:uch
            money I had and,

      IR:   °right° (.) this is after you were attacked.

1565  IE:   this is before.

      IR:   this is before.=

      IE:   =yeah when I came out of Malibu,
1570
      IR:   mmm

      IE:   I was (.) hanging around for a bit? (.) wh- I
            might've been looking for Nicky I might've been
1575        (.) •h I don't know know what I was doing but I
            was- I know I was (.) hanging around for a bit
            (.2) •h when I f- (.3) clicked on about the taxi
            firm round the corner?

1580  IR:   mmm=

      IE:   =and then (.) that's when I went round that
            corner.

1585  IR:   right.

      IE:   (.7) °yeah°

      IR:   (.6) so: (.4) possibly CCTV would show you maybe
1590        moving around quite a lot.

      IE:   yea:h °possibly° yeah.
```

The interviewer's formulation of upshot on lines 1589-90 represents the investigative implications of the account provided by Natalie, clarified by intervening questions from the interviewer, from line 1554-87. Natalie's account includes the details that she was walking around a lot outside the club; that she was alone; that she didn't know where she was going or how much money she had; that she might have been looking for her friend; and that she eventually remembered a taxi firm around the corner. The interviewer's formulation of all these details is simply that CCTV cameras in the area may have picked up on these movements. Thus, it glosses the *investigative implications* of the information Natalie has provided. As a formulation of upshot as opposed to gist, little remains of Natalie's account – rather, this type of formulation answers the 'so what?' question about a particular stretch of talk. Thus, in this example the institutional goals of the talk are made manifest.

There are a number of other such examples throughout the data, including the one reproduced in *Extract 6-8* where the interviewer is enquiring as to whether Natalie would be able to make up a photo-fit of her attacker.

Extract 6-8: 'Natalie', p.21

```
1249   IR:   =yeah (.6) do you think you could make one of
             them up (.3) or would y- did you not see enough
             of him

       IE:   nah didn't see enough it was so dark. ·shih

1255   IR:   (.3) °right° (.4) so you pro- so you wouldn't
             recognise (.9) this person=

       IE:   =if I looked on a photo or walked down passed
             him down the street no I wouldn't.
```

Formulating the upshot of Natalie's statement on line 1252 that she 'didn't see enough it was so dark', the interviewer draws out the unproblematic inference that Natalie would therefore be unable to recognise her attacker on lines 1254-1255. Clearly Natalie's inability to recognise the attacker if she saw him again is an important fact to be established on record, ruling out as it does the potential for the investigation to go down particular routes, such as an identity parade. Furthermore this gap holds evidentiary salience, and fixing it in this way minimises the potential threat of her inability to recognise the attacker being used without warning to challenge her claims in any potential trial. It is for this reason that the inference is

drawn and verbalised for the benefit of the future audience of the video recording. Another example of this type of formulation in *Extract 6-9* consists of an evaluation, rather than an inference, based on Polly's response to a question about the last time she had intercourse with a man (Polly is currently in a same-sex relationship).

Extract 6-9: 'Polly', p.17

```
915    IR:    (.) okay (1) •hh what about erm sex w- with a- a
              man when was the last time?

       IE:    spring this year.

920    IR:    ok so that's quite a long time ago.

       IE:    mm hmm ((nods))
```

Displaying an awareness that *the period that has elapsed* since Polly last had sexual intercourse has more significance for the investigation and the status of the medical evidence than *when* intercourse occurred, the interviewer formulates Polly's contribution on line 918 'spring this year' as 'quite a long time ago' on line 920. Shortly after this extract, the interviewer leaves the room to enquire whether the officer in the adjoining room has any further areas he wishes her to cover. On her return, the following exchange occurs.

Extract 6-10: 'Polly', p.17

```
1001   IR:    ((sits)) right I've spoken to Jimmy the (.) the
              only thing he really wants me to cover with you
              is- is cos um when you were medically examined
              •hh you said that the doctor says there's quite a
1005          lot of internal bruising,

       IE:    (yeah)=

       IR:    =I s- the doctor's spoken to you about that hav-
1010          hasn't she.=

       IE:    =mm hmm
```

If the interviewer's motives for establishing on record the time that had elapsed since Polly last had consensual intercourse with a man were not already clear, they certainly become more apparent when it is revealed that the doctor has discovered some internal bruising. The interviewer produces a stretch of RS on lines 1004-05 and contributes new information in the confirmation-seeking question on lines 1009-10. This is offered to Polly for confirmation, not because the interviewer herself is unaware of its truth value, but so the details are confirmed

on record (see Chapter 4). The interviewer uses this discussion of the doctor's examination to set up the questions that follow. Thus, despite the interviewer prefacing the question with 'the *only* thing he really wants me to cover' (my emphasis), it opens up a larger topic, thus overriding all the signals the interviewer has been providing that the interview is drawing to a close. In the next extract, Polly and the interviewer are discussing the last time she was penetrated *within* her same-sex relationship. The interviewer repackages information provided in lay terms by Polly into more institutionally 'appropriate' language, which explicates the relevance of the information in terms of institutional goals. After Polly produces her description of her and her partner's experience with a sex aid on line 1029 there follows an inserted question (1037) – response (1039) – receipt (1041) sequence, before the interviewer formulates the gist of Polly's earlier turn on line 1046. 'We were just messing about' is transformed into 'it's just a bit of experimentation'. The use of 'just' here, used by Polly to emphasise the frivolity involved in 'messing about', has been preserved in the interviewer's formulation, which in turn preserves Polly's description of the nature of the event. The transformation of 'messing about' to 'experimentation' is perhaps an example of the interviewer attempting to word the account in a way that could be considered more formal and institutionally appropriate.

Extract 6-11: 'Polly', p.18

```
1029  IE:  (.5) it didn't hurt (1) but I didn't really think
           much of it we didn't use it a lot it was the first
           time we'd used it we were just messing about=

      IR:  =ah ha=

1035  IE:  =really.

      IR:  so what sort of size is it? do you-=

      IE:  -u:m (1) it's (.) six inches long.
1040
      IR:  °right° (.) okay.

      IE:  (.) but neither of us can (.) get it a(h)ll the
           way in.=
1045
      IR:  =right (.) okay (.) so it's just a bit of
           experimentation but you th- at no point did it (.)
           hu:rt or feel (.) dry -

1050  IE:  or strange [no].
```

The second part of the interviewer's formulation, 'at no point did it hurt or feel dry', formulates Polly's earlier 'it didn't hurt'. This addition can perhaps be explained as a manifestation of the interviewer's desire to establish without question the lack of discomfort involved in Polly's recent consensual sexual activities. Likewise, the purpose of adding 'or feel dry' is perhaps an evidential one – the interviewer intends to establish that the lack of discomfort goes beyond a mere absence of pain, and that since there was no pain *or* dryness it is unlikely that these activities caused any bruising. Polly's confirmation of this is intended to be considered alongside medical evidence gleaned from the doctor's examination. Thus, the interviewer produces the formulation to make explicit the relevance of elements of Polly's lay account to the investigation.

In the next extract, we see two formulations – one of gist, and one of upshot – produced by the interviewer as he attempts to establish Natalie's proximity and position in relation to her attacker.

Extract 6-12: 'Natalie', p.17

```
938  IR:  okay •h (.4) what position (.) were you to the (.5)
          to the man (.) yeah we're assuming it's a man that's
          done it aren't we.=

     IE:  =in front. hh

     IR:  yeah so face to face yeah?
945
     IE:  •shih yeah.

     IR:  (5) could you feel any breathing on- on your face?

950  IE:  (1.2) yeah °just° a little bit ((•shih))

     IR:  right so probably very close then yeah?=

     IE:  =mmm
```

After marking his receipt of Natalie's previous answer with 'okay' on line 938, the interviewer asks his next question, to which Natalie produces a latching response on line 942. Recognising that the term 'in front' could be quite ambiguous to the overhearing audience, the interviewer formulates this response as the arguably less ambiguous 'face-to-face', and offers this new formulation for Natalie's approval, which she duly delivers on line 946. The interviewer's next question on line 948 is relatively closed, seeking very specific information, and the motivation for this selection becomes clear as the extract progresses. When Natalie

responds in the affirmative, the interviewer produces a second formulation on line 952, drawing the inference that, as she could feel breathing on her face, the attacker must have been very close to her. Natalie confirms this interpretation. In this example there is evidence of all three central properties of formulation. The position and proximity of the attacker is preserved; the fact that Natalie could only feel his breath 'a little bit' is deleted; and the interviewer's utterances transform the information Natalie has provided. The prefacing of the interviewer's utterances with '*so*' provides further support for the argument that these utterances summarise the interviewee's previous responses 'in a way that expects or assumes agreement' (Johnson, 2002:108). It is more relevant to the institutional agenda that the attacker was 'very close', than that Natalie could feel his breathing – thus, once more, formulation is a means by which lay accounts are transformed into evidentially valuable objects.

In interviews of this type, interviewees understandably often have difficulty in describing the central action itself – the rape. However, the police are obviously highly motivated to establish the facts of this central action in order to investigate it further and refer it to the CPS. Thus, there are many examples of interviewers using formulation to ensure that it is stated on the record that an action that can be defined as rape took place. An example appears overleaf, where three extracts relating to the telling of the central event are reproduced: 'A' is from Natalie's initial free report, 'B' from the questioning & retrieval phase, and 'C', which contains the formulation, is from the investigatively important questioning phase.

Extract 6-13: 'Natalie', p.2, 19 & 20

```
A   113   IE:  an then after that~ (1) •HHH HH •HH um •HHHHHHH~I
                don't know where it was but (.) mm (.) a male •hhh
                mm obviously (.8) did what he did HH (.) and then
                (.8) I just closed my eyes through it all. (1.5)

                ((around 17 pages omitted))


B  1043   IR:  you did. (.) right okay (.3) so: (1) what did he
                do next?

          IE:  •hhh (.5) hhhh (.4) I don't know (1.3) um
                ((•shih)) (.4) I think it was sex I'm not sure

          IR:  okay=
    1050
          IE:  =whether it was his hand or not.

          IR:  ((55 lines omitted during which they discuss
                underwear))

C  1105   IE:  (2.1) °I got° he was too strong (1.4) so I just
                (.) gave up (1.3) and let him do it?

          IR:  (5.3) °okay° (4.8) so (.6) he actually penetrated
                your vagina yeah?

          IE:  (.7) yeah.
```

During her free report, Natalie relies on an assumed shared frame of reference – she is, after all, in a police station reporting a rape – in order to explain what happened to her. The use of 'obviously' alongside the vague 'did what he did' supports this interpretation. During the first questioning segment the interviewer uses a relatively open information-seeking question (line 1043) to successfully move Natalie to the less ambiguous, but still decidedly vague, 'I think it was sex I'm not sure...whether it was his hand or not'. During the investigatively important questioning phase, when 'leading' questions are permitted in order to address specific gaps in the account, the interviewer formulates Natalie's contributions to the unambiguous 'he actually penetrated your vagina', and offer this for her confirmation. In doing so, he has established that there can be no doubt that what she is reporting is penetration against her consent, clearly prosecutable as rape under UK law. His formulation is thus reflective of the institutionally defined goals of the interview. In the next extract, we see more evidence of an interviewer's condensing of events down to only a handful of those details presented by the interviewee, and again this is highly revealing of institutional priorities.

Extract 6-14: 'Ellen', p.12

```
636  IR:   right. (1.7) so: (1.2) what was hh what was
           Matthew's reaction when he was challenged?

     IE:   (1) •shih ~he just kept denying it he just kept
640        saying 'nothing's happened nothing's happened' (2)
           •HHH e:rm (.3) and- and then he said to Gareth e:r
           'we just kissed and cuddled'?~ (2) hh and I- and I
           thought wh- why the hell would we have kissed and
           cuddled (.2) I'm n- I'm I'm with your cousin I'm not
645        going out with you why the hell would y- would you
           kiss and cuddle me? •hh (1) i- it just seemed really
           strange wh- why didn't you just (.3) wake me up or-
           or like shout Gareth or •hhh why- why would you kiss
           and cuddle me? (.5) when my boyfriend's next door
650        •hhh (1) e:rm hh (1.6) that's all I can remember
           sorry.

     IR:   (1) so: (1.3) you an- you and Matt- e:r you and
           Gareth went downstairs challenged Matthew,
655
     IE:   mm hmm.

     IR:   he denied (.7) anything had- he'd had any sexual
           contact with y- said you'd just kissed and cuddled,
660
     IE:   mm hmm.

     IR:   •hh what sort of e:rm (1.6) how- how were you- what
           sort of frame of mind were you w- •hh like u:m (1.7)
           tt how were you feeling towards Matthew?
```

In *Extract 6-14*, the interviewer's utterance on lines 658-9 demonstrates that her priorities lie in establishing that the suspect denied the accusations that were levelled at him. Thus, other elements from Ellen's account – namely what *she* thought about his denials – are deleted. There are obvious institutional reasons for this, in that the suspect's side of the story is of crucial importance to the investigation. If when questioned the suspect claims to have engaged in consensual intercourse, for example, Ellen's claim that he denied any sexual contact would become of paramount importance. There is also an obvious process of transformation in this extract, particularly evident in the interviewer's self-repair on line 658. Rather than preserving Ellen's 'he just kept saying 'nothing's happened nothing's happened'', the interviewer repairs from what would presumably have been 'denied anything had happened' – a fairly accurate representation of what Ellen stated on line 640 – to produce instead the far more specific, and therefore institutionally valuable, 'denied...he'd had any sexual contact with y[ou]'.

In the next extract, the interviewer has just finished a series of questions about Angela's level of intoxication and is moving on to question around that of the suspect.

Extract 6-15: 'Angela', p.5

```
271   IR:   how would you describe h- e:rm his::

      IE:   (.5) he didn't seem too drunk (5) he just seemed
            like (.) how he normally is like (.5) you know
275         people change when they're drunk and they're sober
            h- he just seemed like normal •shih

      IR:   (.5) just- normal how he would [be in]

280   IE:   [yeah]

      IR:   drink right •hh so: what happened e::rm (.5) so:
            who's there so there's Gary and Steve (.) you- and
            your friend Callie
```

In that the topic of intoxication has already been established, with the 'new' information 'his' receiving comparative stress and lengthening on line 271, it is little wonder that Angela is able to begin her answer before the interviewer has produced a syntactically complete question. In asking the question, the interviewer is possibly revealing an awareness that the suspect may produce his own intoxication as part of his defence. Of further interest here are the possible interpretations of what Angela is saying. The first part of her response would seem to indicate that the suspect appeared sober, 'he didn't seem too drunk' which would mean the second part 'you know people change...' on lines 274-5 is intended to contrast with the suspect, who was acting the same on the night in question as he does usually. However, this is formulated by the interviewer as 'normal how he would be in drink' on line 278, indicating a different kind of 'normal' from this. Rather, the interviewer seems to interpret Angela as saying the suspect *is* one of the people who 'change when they're drunk', thus he was behaving 'normal how he would be in drink' rather than 'how he normally is like' (i.e. sober) as Angela states on line 274. Again, however, the interviewer's version is accepted and confirmed by Angela with an overlapping 'yeah' – produced before the interviewer has produced the crucial word 'drink' – and she ratifies a version of events in which the suspect appeared drunk. Whether or not this was her intention remains unclear. It is likely this possible miscommunication has passed unnoticed. Had Angela noticed, the nature of formulation is such that, the words having been attributed to her by a participant who is palpably in control of the interaction, she is likely to have found refutation problematic.

All the interviewers display the behaviour described above to a greater or lesser extent, using formulation as a means to foreground particularly salient elements of interviewees' accounts while obscuring elements they deem to be less 'useful'. In some cases, as in *Extract 6-16*, the formulations have consequences for the fluency of the interaction.

Extract 6-16: 'Ellen', p.7

```
343  IR:  sorry you and Gareth sorry were going out •hh e:rm
          where was- where was Matthew?

     IE:  he gave us a lift to e:r my friend's house (.2) at
          seven o'clock and he said he was staying in ((head in
          hands))(.8)[e:r]

350  IR:  [which] friend was this?

     IE:  Laura (.2) the one who came round this morning.

     IR:  right
355
     IE:  erm she just lives on the other side of u:m (.5)
          ((suburb name)) so he gave us a lift down there and
          said he was staying in. (1.6) um but I I don't know
          what he did a- I don't remember seeing him when we
360       got in (.) I don't know if he'd gone out or, •hh

     IR:  right (.2) okay (.6) •hh **so you went to Laura's
          hous:e with Gareth just you and Gareth**=

365  IE:  =mm hmm

     IR:  (.7) e:rm •hh and what did you do at Laura's house?

370  IE:  e:rm just h- had drinks and (.6) listened to music
          really sat in the kitchen. (1) •hhh I drank about
          half a bottle of vodka. hhhh

     IR:  right (.8) what did you drink the vodka with?
375
     IE:  um Diet Coke.

     IR:  Diet Coke (.5) and what did Gareth have to drink?

380  IE:  e:rm he bought a crate of Stella (.5) so him and Mark
          were drinking um Stella.

     IR:  who's Mark?

385  IE:  Laura's husband.

     IR:  right. **so there's (.) the four of you [there.]**

     IE:  [mm hmm]
```

The interviewer begins by questioning Ellen about the movements of the suspect, Matthew. Ellen responds from line 346 onwards, a response that is interrupted by the interviewer on

line 350. Although the interruption and subsequent insertion sequence relate to the identity of the friend Ellen visited, Ellen nevertheless manages to maintain the topic of Matthew's movements and returns to answering the original question on line 356. Oddly, however, the interviewer's formulation on lines 362-363 does not summarise information Ellen has provided about Matthew's movements – the central topic under discussion – but about Ellen's own movements, which to this point have only been mentioned inasmuch as they relate to Matthew's. This seems to indicate that the interviewer has abandoned her pursuit of the topic of Matthew's movements, and decided instead to pick up on a different element of Ellen's response to offer back to her for confirmation. The selection of 'just' to modify 'you and Gareth' on line 363 can perhaps be explained by a desire to explicate and have confirmed that Matthew was definitely not with them at Laura's house. Perhaps unsurprisingly, the question line 374 draws out the topic of Ellen's drinking over a further turn, thus foregrounding this element of Ellen's prior response while backgrounding other elements, such as that they 'listened to music' and were 'sat in the kitchen'. There then follows a series of question-response pairs relating firstly to who drank what and then to the identity of Mark. The formulation that appears on line 387, rather than summarising the gist of the preceding sequence in its entirety, represents the upshot of the new information arising from it – i.e., that there were four people present, since Laura's husband was also there. Thus, it represents an 'update' of events, as described by Ellen since the previous formulation was produced. Both formulations contribute to a somewhat disjointed interaction. The first on lines 362-3 represents a change in topic, with the interviewer seemingly sidetracked by peripheral elements of Ellen's prior response. The second on line 387 shifts the topic *back* to Ellen's movements, after the interviewer has taken her on a brief detour around Ellen and Gareth's drinking. Thus, the overall impression given is one of darting in and out of three different topics, which, combined with the repeated selection of closed questions, is unlikely to encourage Ellen to provide elaborate responses.

The extracts discussed in this section have highlighted the differences in the way interviewers and interviewees view the purposes of the interaction. Because interviewees are naive as to the position of the interview in the investigative and evidentiary chain, they attach equal importance to all the details they recall. This is also an effect of interviewers instructing them to 'report everything', at least if they are following ECI guidelines. Interviewers, on the other hand, familiar with the institutional role and goals of the interview, attach more importance to some details over others. One way in which this manifests itself is in the use of formulations

to foreground particular elements of interviewees' reports, often drawing them out as topics for further discussion into subsequent turns. Inevitably, this occurs at the expense of other details, which are backgrounded by virtue of exclusion from interviewers' formulations. Thus, while the implications of interviewees' talk for the investigation and collection of evidence – such as CCTV footage, photo-fits, suspects' denials and medical examinations – are often highlighted, other matters deemed less relevant for the pursuit of institutional goals are obscured. Another means by which interviewers display their awareness of the role of the interview is by editing out expressions of uncertainty from interviewees' accounts. Uncertainty is, for obvious reasons, not institutionally favoured. The next section moves on to examine the role formulations play in removing it from interviewees' final, negotiated reports.

6.5 Obscuring uncertainty

The elimination of uncertainty is a recurrent feature of the interviews, and is also discussed elsewhere as an effect of transforming spoken language into writing (see Rock, 2001). There are obvious advantages to transforming a heavily hedged, vague or otherwise uncertain account into one that makes concrete statements about the events under discussion, in terms of the investigative value of the interview. Equally, however, the elimination of uncertainty markers also represents a potential threat to the credibility of the witness at any potential trial, since she might be challenged on the basis of details that she only ever expressed in very tentative terms.

Extract 6-17 shows Natalie's interviewer producing a formulation of Natalie's prior turn in an attempt to extract that which Natalie *can* be sure of.

Extract 6-17: 'Natalie', p.11

```
579  IR:  [so] was it Nicola that went.

     IE:  Nicola went yeah.

     IR:  (.) d'you remember what time that was?

585  IE:  e:h I couldn't uh tell you I c- one o'clock time
          maybe?

     IR:  alright okay so gettin- getting towards closing time
          then yeah.
590
```

```
      IE:  °mm hmm°
```

On line 585 Natalie expresses the time her friend left in very uncertain terms, at first claiming not to have much of an idea at all, before guessing at 'one o'clock time' and further hedging this with 'maybe?'. This is glossed by the interviewer as 'getting towards closing time', an interpretation that is confirmed by Natalie. A possible explanation for this gloss is that rather than being concerned with the exact time, the interviewer (and the overhearing audience) is interested in the length of time Natalie spent in the nightclub without her friend. Establishing that her friend left 'towards closing time' leads to the conclusion that Natalie must have left shortly after. In the example above, it can easily be argued that transforming 'one o'clock time maybe' into 'getting towards closing time' is of benefit investigatively and evidentially.

In the following extract, an even higher degree of uncertainty is expressed by the interviewee, and this is deleted from the interviewer's formulation.

Extract 6-18: 'Natalie', p.12

```
  647  IR:  right okay •hh was there anybody stood in the lobby
             hearing that conversation that you can remember?

  650  IE:  hmm hmm no (.6) not that I can remember.

       IR:  (.5) no?

       IE:  just bouncers probably.=
  655
       IR:  =there's nobody: hanging about.

       IE:  no- probably but (.2) ((coughs)) (.) I can't
             remember.
  660
       IR:  right •hh did you have anybody in the club that took
             any particular interest in you Natalie? (.) anything
             anybody that'd asked you to dance or asked to buy
             you a drink or=
  665
       IE:  =no: (.) just the usual chat up lines off (.9) like
             blo:kes but nothing (1) major no (.7) nothing like
             d- and I never got a drink bought off anyone or-
  670        never danced with anybody nothing like that.

       IR:  right (.3) okay but nothing that you would suspect
             as (.4) being suspicious o:r=

       IE:  =e:rm (.7) no just generally (.) boys on the
             pu(hh)ll type thing. •h
```

Despite Natalie displaying her uncertainty about there being anyone 'stood in the lobby' with the use of 'not that I can remember' (line 651) and even indicating that in fact there *were* some people 'just bouncers probably' (line 655), the interviewer nevertheless formulates these contributions into the unhedged 'there's nobody hanging about' on line 657. It is interesting to note that both participants appear to be in agreement that the bouncers do not constitute 'anyone' – the assumption presumably being that bouncers are not rapists, nor a group of people whose presence should be treated as significant. That the interviewer makes this assumption is evident in his deletion of the bouncers from his formulation. Beginning with a confirmation of the formulation on line 659, Natalie self-repairs, instead suggesting that there 'probably' *were* people there, but that she can't remember. Shifting the focus to when she was inside the nightclub, the interviewer asks a similar question. Although initially answering in the negative – perhaps on account of the fact that the interviewer has only specified 'asked you to dance or asked to buy you a drink' as examples of people taking 'a particular interest' – Natalie goes on to describe 'just the usual chat up lines' on line 667.

In effect, the interviewer has framed 'particular interest' as only involving these two activities, thus impacting on Natalie's answer. The interviewer continues in this assumption, and with the formulation on line 670 effectively reinforces the viewpoint that 'the usual chat up lines' are not in the category of 'suspicious' behaviour. Thus, Natalie's uncertain tiptoeing around her answers is transformed by the interviewer into two rather more definite assertions – there was nobody hanging about, and there was nobody behaving suspiciously. Since these are attributed to Natalie and represent the 'final versions' of her account (despite a final push on her part to get some of the other information included in line 673, 'just generally boys on the pull'), it is likely that they will form, in the eyes of the police scribe and later the CPS and jury, an accurate representation of information she supplied during interview. On inspection of this data it seems unsurprising that victims are often challenged during cross-examination on the basis of inconsistencies between their statement and subsequent testimony. This type of analysis provides support for the discontinuation of written statements, and the move towards using video recorded police interviews to stand in for direct examination in the courtroom.

6.6 Formulation as evidence of underlying ideology

Although formulations of gist are thought of as relatively unproblematic as compared to those of upshot, in that no inferences are made based on information provided by the interviewee, there are some examples in the data of re-wordings which, to a greater or lesser degree, alter the information originally provided in ways which can be seen to relate to prevailing views about sexual violence. Interviewers' assumptions about which details hold greater evidential value than others can be shown to be closely related to institutional attitudes towards sexual violence as a whole. A close examination of the details from interviewees' narratives that are preserved, deleted and transformed has the potential to demonstrate this. In *Extract 6-19*, for example, in light of prevailing ideology around rape, the deletion of hedging is arguably quite damaging.

Extract 6-19: 'Angela', p.1

```
  47  IE:  (.5) e:rm went to several pubs: quite a lot to drink
           cos I'd drank before I'd gone out as well (.) •shih
           e::rm (.) we went to Frisco Bar but we didn't like it
  50       in there so we decided to go to The Dingo (.2) so we
           went to The Dingo (.) •shih 'nd (.5) when I went in
           to The Dingo,

      IR:  °mmm°
  55
      IE:  (.5)went straight down the back end (.5) and I seen
           Steve (.) my cousin (.) and I was sat talking to
           Steve. (.) •shih (2) hhh
  60
      IR:  (4.5) right what time w- d'you think it was when you
           got to The Dingo?

  65  IE:  (.6) it might have been about half eleven.

      IR:  (1.8) so about half past eleven 'n' you'd had a lot
           to drink before you [act]ually
  70
      IE:  [°yeah°]

      IR:  got there. (.) so who exactly was with you in The
           Dingo?
```

Angela's rendering of the time she arrived at the bar is transformed from the more colloquial 'half eleven' to a slightly more formal 'half past eleven'. The hedging 'about' remains in the interviewer's version, and this part of the transformation is of very little consequence. However, Angela's hedging in 'quite a lot to drink' is deleted in the interviewer's

formulation on lines 67-8 – and there is a case to make for this being of some consequence. 'A lot to drink' is interpretable as a significant amount more than 'quite a lot to drink'. Nevertheless, it is ratified by Angela in the overlapping segment on line 70, and it is likely that this seemingly minor change passed unnoticed. It has already been touched upon that the 'final version' will be a product of these ongoing negotiations, and having been 'fixed' and confirmed by Angela, the interviewers' 'a lot to drink' seems a more likely candidate for the written statement than Angela's 'quite a lot to drink'. Bearing in mind the pervasive nature of the assumption that a woman is at least partially to blame for being raped if she is intoxicated, it is easy to see how seemingly minor transformations such as this have the potential to have severe consequences for the likelihood of a victim receiving justice. Another example of a potentially problematic gloss of an interviewee's contributions appears in *Extract 6-20*.

Extract 6-20: 'Angela', p.6

```
296  IR:  (3) and then what happened?

     IE:  (.) they said "ah s- can we come back to your house"
          (.) and I said "ok fine it's not very often I get
300       company" (.) didn't have a problem with it.

     IR:  (5) so how had you felt about the night so far with=

     IE:  =okay (.) no problems at all.
305
     IR:  (3) and you'd said yes because you were w- w-
          enjoying the c[ompany,]

     IE:  [yeah][I felt safe.]

     IR:  [so then] you felt safe •hh what u:m what happened
          after that then how did you get (.) [home?]
```

Here, dramatic changes are made to Angela's account of how the suspect ended up at her home. From Angela directly quoting herself as saying on the night that 'it's not very often I get company' on lines 299-300 and the negative statement '[I] didn't have a problem with it', implying that having 'a problem with it' might be expected given that one of the men went on to rape her, her feelings are transformed by the interviewer to '*enjoying* the company' (my emphasis). The contrast between the two is stark, yet once again Angela issues an instantaneous ratification of the interviewer's version of events. That the interviewer has felt it necessary to re-state the reason Angela has given for allowing the men into her home suggests she deems it to be of some importance: that this is behaviour which *requires* explanation. Rather than focussing on the *men's* reported behaviour, for example with a

formulation such as 'and they'd asked to come back to your house', which might seem more logical given the circumstances (potential evidence of pre-meditation), the interviewer instead foregrounds *Angela*'s actions of *allowing* them to come back. This supports the points already made about victim blaming and obscuring the role of the perpetrator.

There are similar processes at work in *Extract 6-21*, taken from Ellen's interview. This extract shows the significant editing that takes place in the production of a formulation. The elements that remain are revealing of what the interviewer perceives to be of most salience to the case, and are highly revealing of her assumptions.

Extract 6-21: 'Ellen', p.10

```
541   IE:  hhh the next clear thing I remember is is Gareth
           (.3) standing in Matthew's doorway (.) saying 'what
           you doing in here?' (1.4) •hh and I was e:rm
           horizontal on the bed f- and and I was naked and I
           don't know if I was under quilts or anything I just
545        came round and I was on his bed (1.2) •hh and that
           was the next kinda thing I remember.

      IR:  (.7) right. (1.5) so at this ti:me d'you know what
           time of day this was o:r=
550
      IE:  =this was about five o'clock this morning cos we
           got up- I got up then and I haven't been back to
           bed since so,

555   IR:  right. (.5) about five o'clock •hh so you were in
           Matthew's bedroom laid (.) horizontal,

      IE:  yeah.

560   IR:  across the bed ((IE nods)) (.7) um and you were
           naked.

      IE:  yeah.

565   IR:  (1.5) •hh where was Matthew?
```

Ellen's turn beginning on line 541 is produced in response to a relatively open question from the interviewer, 'what happened next...that you can remember'. Ellen's response is comprised of several elements – Gareth (Ellen's partner) standing in the doorway asking what she was doing; Ellen being horizontal on Matthew (the attacker's) bed; Ellen being naked; being unable to remember whether she was under quilts or not. However, in the interviewer's formulation on lines 555-6, it is only the elements of the response relating to *Ellen's* behaviour that are re-stated. The uncertainty over the quilts is deleted, perhaps as a result of

the institutional preference for definite details (see section 6.5). There is also no trace here of Gareth's actions as reported by Ellen. It should be pointed out here that the interviewer does produce a formulation a little further along relating to Gareth, but not until after a series of question-response pairs about Matthew's actions, which in turn don't appear until after Ellen's reported behaviour has been 'fixed' by the formulation and confirmation on lines 555-558. Thus, it is Ellen whose actions are presented as of primary interest, in that it is only details relating to them that make it into the first formulation. This is revealing of a pervasive ideology that places great import on the actions of a woman who makes a claim of rape, particularly when those actions involve being naked in the suspect's bed – the suspect's actions appear to be secondary to this.

In *Extract 6-22* it is obvious from the interviewer's two formulations that she has little interest in Angela's emotional or physical state at the time being described, as details of this are deleted from her formulations.

Extract 6-22: 'Angela', p.9

```
469   IR:   (7) let's just take that a bit more slowly so
            you've come rou:nd (1) and what was the first thing
            that you saw?

      IE:   his face (.5) on top of me.

475   IR:   was he awake or asleep?

      IE:   awake.

      IR:   (2) can you remember wh- did he have clothes on?=
480
      IE:   =no.

      IR:   (1) how d'you know?

485   IE:   (.5) cos his skin was touching my skin.

      IR:   (2) and what was he doing?

      IE:   (1) just still it was like i- i- it wasn't rea:l
490         y'know(.) it didn't feel real I thought I was gonna
            wake up and it was: (.5) I was imagining it
            •shih(1) he was just laid still on me.

      IR:   (2) but he was awake.
495
      IE:   yeah.

      IR:   (.5) did he say anything to you?

500   IE:   (4.5) no I don't think he did.
```

```
      IR:   (6) and how were you feeling then?

      IE:   (1.5) really drunk (.) to the poi- I couldn't move
505         my body I felt like (1.5) I just couldn't move.

      IR:   (6) and what did you think?

      IE:   (2) I didn't know what to think I I I just went
510         blank (.) like (5) I just couldn't believe it (2)
            •shih hh

      IR:   and what- (1) what did you think was happening?

515   IE:   (1.5) I didn't know cos it- it- that- that memory
            it's only a couple of seconds you know like him
            being th- I must've (.) gone back o- off again.
            •shih

520   IR:   (3) but you said he was still.

      IE:   (.) yeah he was still (.5) he wasn't moving. •shih
```

The elements that are preserved firstly support and then refute a stereotypical rape situation. The interviewer uses a combination of WH- and option questions in an attempt to work through the events immediately after Angela woke up on the night in question. On line 494, however, she produces a formulation for Angela's confirmation relating to the answer given to a question four turns previously. This makes for a decidedly disjunctive exchange, in that the topic of whether the suspect was awake or asleep is suddenly, and without warning, returned to, with no obvious reason why. One of the intervening questions (line 483) represents a challenge to the interviewee's basis for knowledge. Receipt tokens do not appear to be a feature of this interviewer's style (and are not compulsory in institutional language, but are recommended in the training literature as part of the drive for personalisation), and we can perhaps rely on her moving on to the next question as evidence that she accepts Angela's reply 'cos his skin was touching my skin' on line 485 as appropriate. The interviewer moves on to ask what the suspect was doing. It is after Angela's response to this question, in which she begins by stating that the suspect was 'just still' before going on to reiterate several times that it 'wasn't real...didn't feel real...I thought I was imagining it'. She finishes this turn by once more stating that the suspect was 'just laid still on me', and it is this point alone that is revisited in the interviewer's next formulation on line 520 – once again, several turns after Angela has provided the original information. This utterance, prefaced by 'you said', is also analysable as reported speech, but it undoubtedly has formulating qualities, in that it seems to

be designed to check understanding. The presence of the discourse marker 'but' is also worthy of comment here. It appears to signal that, in light of insufficient responses from Angela to the immediately preceding questions ('what did you think' on line 507 and 'what did you think was happening' on line 513), the interviewer is abandoning this topic and backtracking to one about which Angela *could* provide answers.

As discussed above, all details about how Angela was feeling, emotionally and physically i.e., the most recently provided details, are not deemed worthy of summarising. Only those details pertaining to the suspect's behaviour are formulated in this extract, and it is worth attempting to establish why this might be the case. There is a possibility that the interviewer's first formulation on line 494 is motivated by a pre-emption of a potential defence from the suspect – that he was asleep or unconscious at the time of the alleged rape. Thus, the interviewer's formulation has positive evidential value. Conversely, the second formulation on line 521 could be motivated by an expectation that men who have just committed rape run away, or possibly continue to try and subdue their victim – at any rate they are not 'still'. If so, this formulation has negative evidential value, and reflects ingrained assumptions about sexual violence.

Extracts discussed in this section have demonstrated that formulations have the potential to be revealing not only of institutional priorities, but also of the ideological assumptions on which those priorities are based. The assumptions that have been revealed here relate to the victim's behaviour prior to the rape, including her use of intoxicants, and the attacker's post-rape behaviour. On occasion it appears as though interviewers are attempting to 'cover their bases' – that is, test interviewees' accounts with counter-claims that could potentially be made by the suspect or his lawyer. Whether or not this is the case, the discussion here has highlighted that police interview discourse conforms to the well-established norms of discourse around sexual violence, particularly in respect of its foregrounding of victims' behaviour and obscuring of perpetrator culpability.

6.7 Chapter Summary

This chapter has demonstrated the multiple functions of formulations in police interview discourse. While some interviewers use formulations as an effective means of co-operation with an interviewee, assisting them with the telling of their story, others display a tendency to

formulate in a way that jeopardises the logical flow of talk. Further to this, most formulations, to some extent, function to construct an institutionally beneficial object out of the lay tellings of naive interviewees – a translation process which in itself can prove highly revealing of institutional assumptions about the nature of the crime. As well as displaying interviewers' orientation to the absent audience, formulating practices are highly revealing of what interviewers perceive to be of most value, in that they systematically select elements from interviewees' accounts that support or refute particular versions of events. When an interviewer chooses to reiterate that a suspect 'just laid still' or 'denied sexual contact', and that a victim 'said yes because [she] was enjoying the company' or was 'laid across the bed...naked', for example, it is useful to explore their motivation for doing so – what potential 'versions of events' do these reiterations support?

Formulations may be problematic for interviewees to refute, in that the words, or at least the force of the message, have been attributed to themselves. Although in the case of formulations the rewording is almost invariably offered back to the interviewee for confirmation, the nature of the discourse situation is such that rejection is likely to present difficulties. In terms of those formulations that are produced to display understanding, it is useful to consider the situations in which this has been considered necessary. To produce an utterance whose main purpose is to check mutual understanding is to suggest that intended meaning or intention is not immediately obvious. Thus, when an interviewer produces a third-turn receipt to the effect of 'you invited him back because...', it is clear that they consider the behaviour to require an explanation – in the eyes of the overhearing audience, if not their own. Therefore, as well as considering the elements that have been preserved, deleted and transformed in each case, the fact that the formulation was produced at all is in itself revealing of 'common sense' assumptions. That interviewers often perceive victims' behaviour to be of more interest than perpetrators' is consistent with the culture of 'victim blaming' that has long been identified by feminist scholars. As Anderson & Doherty point out, 'agency and responsibility are removed from the alleged rapist by casting the victim as the rightful guardian and regulator of his behaviour' (2008:3). Asking a victim why she allowed two men to come back to her house, rather than attempting to establish why the men wanted to come back to her house, fits neatly into this perception.

Such attitudes are, perhaps unsurprisingly, not the sole prerogative of interviewers in the current data set. As has been identified elsewhere (Anderson & Doherty, 2008), socialisation

often leads to victims themselves internalising these views. The next chapter explores the resources that are drawn on by both parties in the interaction to explain and question the events under discussion.

Chapter 7 : "I just thought he was being friendly". Interviewees' Accounts

7.1 Introduction

As discussed in Chapter 2, the excusing and justification of sexual violence has been explored at length in the accounts of convicted sex offenders (Scully & Marolla, 1984; Scully 1990). Elsewhere, the occurrence of excuses and justifications in the testimony of witnesses has also been discussed (Atkinson & Drew, 1979). The concept of victim responsibility is a well established one in terms of research into perceptions of rape (Lea, 2007). Thus, it follows that even in the accounts of those reporting rape, we might expect there to be evidence of the speaker's attempts to 'excuse' or 'justify' their own behaviour, in relation to culturally defined norms: 'women who have been raped draw on the same resources, the same cultural vocabularies, as do men who rape' (Wood & Rennie, 1994:146). To re-cap from Chapter 3, excuses and justifications are techniques used by speakers to align their behaviour with what is culturally acceptable, thus legitimising it. Atkinson & Drew (1979) use the term 'defence component' to refer to both phenomena, finding a distinction between the two unnecessary for their own analyses. Other researchers have found it useful to distinguish between 'excuses' and 'justifications'. While an excuse acknowledges that an action was wrong but mitigates responsibility for it, a justification accepts responsibility but asserts that, given the circumstances, the behaviour was appropriate (Atkinson & Drew, 1979; Austin, 1961; Scully, 1990; Scully & Marolla, 1984).

While the other analytical chapters have focussed mainly on interviewers' contributions to the interaction, with a view to feeding in to current interview training, this chapter is more concerned with interviewees' talk. As has been noted elsewhere, albeit in different contexts, it is clearly unsatisfactory to analyse only one half of a conversation (Woodhams, 2008). No participant's talk occurs in a vacuum, and as data discussed throughout all the analyses demonstrates, as well as the local context of the police interview and the contributions of one's interlocuter, significant influence is exerted on both participants' contributions from the wider social context. Grice's (1975) maxim of relevance becomes significant here, since we must assume some connection between the information provided in interviewees' responses and the events they are being asked to describe. Thus, implicature is a key aspect of the

ongoing process of negotiation between interviewer and interviewee to tell the story, and the drawing of inference usually relies to some extent on culturally derived expectations.

While conversation analysts working on excuses and justifications have tended to discuss their production only as they relate to the immediate interactional setting (eg Atkinson & Drew, 1979), the critical aims of this study mean that the excusing and justifying behaviour of interviewees must necessarily be analysed from a perspective that acknowledges the relevance of culturally constructed and socially sanctioned ideologies around sexual violence. As Lea (2007) points out, 'perceptions of the act of rape, the perpetrators of this crime and the victims thereof are not best understood by seeing those perceptions as individual, private interpretations or attitudes...The attributions people make...are constructed by, and constructive of, the ideological context they inhabit' (p. 497). Just as Scully & Marolla established that convicted rapists display a familiarity with culturally derived 'vocabularies of motive' (1984:530) to diminish their responsibility for their actions, so a cursory glance at the data in the current study reveals a closely related pattern in the accounts of women reporting rape. This is perhaps unsurprising given that it has been established elsewhere that victims of rape frequently display self-blame on the basis of their behaviour, and draw on the same cultural vocabularies as rapists to explain events (Wood & Rennie, 1994). When an interviewee exhibits an understanding of what actions on their part are likely to lead to having some degree of responsibility attributed to them, they simultaneously display a familiarity with, and in some cases acceptance of, dominant assumptions about rape including victim blame- attribution. This is arguably a function of 'power by consent', as discussed in Chapter 2: with victim-blaming presented as 'natural' and 'commonsensical' by powerful groups, it follows that the victims themselves accept these attitudes.

The concept of interpretative repertoires is relevant here. Interpretative repertoires are best conceptualised as 'the building blocks speakers use for constructing versions of actions...often...signalled by certain tropes or figures of speech' (Wetherell & Potter, 1988:172). They are ideologically-rooted linguistic resources drawn on by speakers to explain particular social phenomena. As discussed in Chapter 2, judges have been shown to rely on a number of culturally-reliant repertoires in wording rulings in sexual assault trials (Coates, Bavelas & Gibson, 1994). Themes identified there included the erotic-affectionate characterisation of sexual assault, sexual assault as distinct from violence, and also appropriate resistance. The assumption of victim responsibility also plays a significant role in

'making sense' of sexual violence. Potentially blame-implicative constructions in the questions of interviewers have been touched upon in previous sections. Consider, for example, the following extract, where Angela and the interviewer are discussing her health complaint.

Extract 7-1: 'Angela', p.12

```
656   IR:  I: e:rm what kind of (.) effect does that h- have on
           you healthwise?

      IE:  V: (1) I get drunk very easily (.5) takes me about
660        two or three days to (.5) pick myself up I've been
           out and had a good drink ·shih (4) I tend to drink
           coke after about eleven . ·shih

      IR:  I: (.) so why didn't you go on the coke this time?
665

      IE:  V: cos he was persistent: "ave a drink, ave a drink
           (.) ave a drink". ·shih (2) and I thought well what
           harm can it do it's my cousin it's like family.
           ·shih
```

The negative WH- question on line 664, as discussed elsewhere, implies some degree of surprise or conflict with the proposition on the part of the interviewer (Ehrlich, 2001) – i.e., that 'go[ing] on the coke' would be the *expected* course of action, given that drinking alcohol leads Angela to 'get drunk very easily', and that the time under discussion is after eleven o'clock. The so-prefacing of this question is also significant, which combined with the question function indicates evaluation of the prior turn – in effect, it constitutes a challenge to the appropriateness of the reported behaviour. Thus, Angela is forced to provide an explanation for her behaviour on the night in question. How she does so is also highly revealing of cultural assumptions about sexual violence. On line 666 she relies firstly on the suspect's insistence that she 'ave a drink' to justify her continuing to drink alcohol. Secondly, and perhaps more interestingly, she reiterates her family relationship with the suspect as a further justification for taking this decision. In doing so, she displays a reliance on particular assumptions – namely that drinking a lot of alcohol puts one in a vulnerable position, but that members of one's family are to be trusted when one is in a vulnerable position – distinct, presumably, from less intimate acquaintances and strangers. This interpretation is supported by the question she reports having asked herself on lines 667-8 'what harm can it do', suggesting that while drinking large amounts of alcohol in the company of another man might be easily interpretable as dangerous behaviour, in the company of her cousin it is 'commonsense' to assume that she would be safe.

Although, as in the above extract, we might expect excuses and justifications in the sequential position following a potentially blame-allocating turn, it has been demonstrated that in fact participants often anticipate that a question or sequence of questions are *leading to* blame allocation (Atkinson & Drew, 1979). On inspection of the data it becomes apparent that the interviewees display these patterns, pre-empting potential blame attribution by producing qualifying defences for the reported behaviours. It is these examples that will form the basis for the bulk of analysis in this chapter. This has the potential to offer further support for the argument that certain stereotypes surrounding rape are deeply ingrained, in that even women reporting it reveal an orientation to them through such responses. Several themes are evident in the current data, with repertoires providing interviewees' with the resources they require for constructing their accounts, and these are each treated individually below.

7.2 Victims' pre-rape behaviour

As discussed in Chapter 2, it has been claimed that sexual violence serves to 'maintain the status quo…women have some level of consciousness about the fear of sexual assault [and] this serves to restrict and constrain their behaviours' (Griffin, 1971 cited in Ward, 1995: 22). If there are particular ways of behaving that are considered to increase or decrease the chance of one being raped, it follows that women may find it necessary to produce a defence for behaviour that is considered to increase it. In the extract below, Emily is posed an open information seeking question, and the information she elects to provide reflects assumptions about what is appropriate behaviour for women on their own.

Extract 7-2: 'Emily', p.3

```
142  IR:  right. (.5) so can you just describe to us (.4) erm
          from the moment you were dropped off (.5) from that
          point on (.4) describe what happened.
145
     IE:  (1.9) e::r well I got to- (.) my sister in law phoned
          me (.7) she was only just getting in to a taxi (1.8)
          she- I said I'd wait for her outside Lunar where the
          bouncers were and (.3) there's a lot of ((unclear))
150       police cars up and down there so I thought I'd be
          safe there you know (1.8) and he dropped me off on
          the other side of the road near Mexico Mick's?
```

Here, we see Emily making use of the conjunctive 'so' to demonstrate that the presence of bouncers and 'police cars up and down there' provided her with a reason to believe she would be safe. The element in bold does little to enhance the descriptiveness of Emily's account: rather, in producing the justification she projects an identity of herself as a responsible individual, knowledgeable about what is and is not sensible behaviour in these circumstances. The bold segment would provide an adequate answer to the question 'why did you think it was alright to wait outside the nightclub?', despite the fact that this question has not been asked. Thus, it pre-empts any question about the propriety of her actions. A similar pre-empting occurs later in the interview, where she is explaining events after leaving the nightclub.

Extract 7-3:' Emily', p.5

```
282  IE:  (.7) e:rm (2.4) and then (1) I got- I got fed up of
          waiting in the end I just thought l- if I go back in
          and see if she's got any credit on her phone and I'll
285       phone one (1.2) so I went back in (.5) she didn't
          have any credit on (.9) I went- (1) said bye again
          went back outside sat (.) back in the bus stop (1)
          and I must have just decided it was too cold so I
          thought oh it might be ((safer)) just (.) walking
290       down to Star.
```

With the knowledge that it was on the walk to the taxi firm Star that she first encountered her attacker, Emily pre-empts any questions about why she took the decision to leave the bus stop – which she has already described as having 'loads of people about' – producing once more a *probable* explanation for her behaviour, flagged by the modal 'must'. There is also the use of conjunctive 'so' to draw a direct link between her actions and the perceived cause of them (Schiffrin, 1987). In the next extract we see Natalie struggle to produce an explanation for why she was 'walking around a lot'.

Extract 7-4: 'Natalie', p.27

```
1493  IR:  °right° (.5) tt okay (.5) •hh right so (.5)
           obviously (.2) bringing you back through everything
           there (.7) •hh is there anything that you can think
           of that we've not- not mentioned anything that's now
           come to- come to like- •h as- as ridiculous as it
           may seem maybe something that maybe just ties in
           with something else.
1500
      IE:  •hh (.7) °nothing° (2) I know s- what I- was walking
```

```
              around a lot. (1) er I was just (.8) didn't know
              what I was doing and I was just walking around (.)
              couldn't- just around (.7) Malibu outside the front
1505          just walking around on my own looking around for-
              •hh cos I didn't have a clue what to do where I was
              going and how m:uch money I had and

      IR:     °right° (.) this is after you were attacked.
1510
      IE:     this is before.

      IR:     this is before.=

1515  IE:     =yeah when I came out of Malibu,

      IR:     mmm

      IE:     I was (.) hanging around for a bit? (.) wh- I
1520          might've been looking for Nicky I might've been (.)
              •h I don't know know what I was doing but I was- I
              know I was (.) hanging around for a bit (.2) •h when
              I f- (.3) clicked on about the taxi firm round the
              corner?
```

On lines 1501-1505 Natalie produces and partially produces several possible justifications for her behaviour of walking around alone outside the nightclub. She displays an obvious desire to arrive at an explanation, continuing her attempts three turns later on lines 1517-1519. It does not appear that the reasons for her actions enhance her description of those actions at all, and they do not appear to be of much significance to the interviewer. Thus, Natalie's repeated attempts can be interpreted as reflecting some perceived requirement for the action of 'walking around a lot' to be explained, and thus defended.

In the following extract, the interviewer probes Becky about one particular aspect of her narrative – a laundry basket that her partner had wedged against the bedroom door before they went to bed, and that Becky subsequently (prior to the rape) had moved. Parts of Becky's responses suggest that she perceives her actions to be interpretable as leading to some responsibility on her part for the events that followed.

Extract 7-5: 'Becky', p.15

```
842  IR:     (1.3) tell me about this laundry basket (.2) [what's]

     IE:     [I] don't know why he'd done it (.) um (.7) I just
845          remember he picked the laundry basket up and put it
             on the back of the door. (.3) so that if anybody
             tried to get through the door (1.3) then obviously
             the laundry basket would knock over but I •hh it
             didn't really dawn on me til today (.) why he did it.
```

```
850        (.9) and then after- this morning when- obviously
           everything had happened (.6) he just said to me 'why
           was the laundry basket not there?' (.6) and I said
           'well I moved it when I went to the toilet'.

855 IR:  (2.6) mmm

    IE:  (2) but he'd actually propped it against the door (.)
         so it was like (.2) it was covering the door.
```

[around 80 lines omitted – discussion of layout of bedroom etc.]

```
938
    IR:  °mmm° (7.3) you've gone back into the bedroom (1.4)
         did you do anything with the laundry basket (.)when
         you'd gone back into the bedroom?

    IE:  I'd moved it back to where it normally goes before
         I'd gone to the toilet to be able to get out of the
945      door. (.2) so I just left it where it was. (.4) I
         didn't (.3) I c- I didn't know why it had been put in
         front of the door,

950 IR:  °mm°

    IE:  in the first place to be fair so I d- I just put it
         back where it belonged.
```

The negative construction 'didn't really dawn on me til today why he did it' on line 849 suggests that her partner's reasons for blocking the bedroom door have now become somewhat clearer to Becky. When asked later whether she had done anything with the laundry basket on returning to the bedroom, she provides a reason for her actions along with her description of them. Becky produces the signal of justification 'to be fair' before the conjunctive 'so', making an obvious connection between her defence 'I didn't know why it had been put in front of the door' and her action 'I just put it back where it belonged'. While 'to be fair' can feasibly be interpreted as part of Becky's idiolect (she uses it on a number of other occasions), the fact that she produces a justification at all may also suggest that she acknowledges how her actions could be construed as potentially contributing to what happened to her – the suspect entering the room and raping her while she slept. The unspoken implication here seems to be that her partner's motivation for placing the laundry basket against the door can, in hindsight, be interpreted as based on his suspicions about the possibility of the suspect attempting to gain entry during the night. Becky's failure to realise his motivation at the time therefore provides her with a basis for her justification for moving the basket.

The extracts discussed in this section demonstrate interviewees' awareness that their engagement in particular behaviour can potentially be construed as contributing to the responsibility they hold for a subsequent attack. Specifically, the pre-rape behaviour interviewees have felt compelled to defend have related to taking responsibility for their own safety, from avoiding deserted areas and walking around alone (extracts 7-1 to 7-3) to the removal of a barricade from their bedroom door (extract 7-4). Thus, interviewees pre-empt behavioural blame attributions, and attempt to mitigate them by providing justifications for their actions. All the extracts presented so far are examples of justifications rather than excuses, in that they provide support for why the actions were appropriate, given the context. Emily's decision to wait alone in the area outside the nightclub, for example, was appropriate given that there are 'bouncers' and 'a lot of police cars there', and Becky's decision to remove the laundry basket from the back of her bedroom door was appropriate in light of the fact that she 'didn't know why it had been put [there] in the first place'. The next section narrows the focus to one particular aspect of interviewees' pre-rape behaviour – the use of drugs and/or alcohol.

7.3 Use of drugs and/or alcohol

As discussed earlier, it has been established that consumption of drugs and/or alcohol is a significant factor in attributing behavioural blame to a victim of a rape (Anderson, 1999; Amnesty International UK, 2005). Extract 7-1 provided an example of the interviewer problematising the interviewee's report of having continued to drink alcohol, through the production of a negative WH- question. The next extract, however, taken from earlier in the same interview, shows Angela taking the opportunity to defend her actions of continuing to drink, in the absence of any obvious request for such a defence. Angela and the interviewer are discussing the drinks she consumed during the evening.

Extract 7-6: 'Angela', p.4

```
169  IR:  (1) and who bought you those?

     IE:  Steve.

     IR:  had you asked for them?

175  IE:  no (.) told him (.) quite a few times I didn't want
          no more to drink cos I know (.) •shih how far to
          push myself (.5) cos I have to get up with the kids
          in the next day 'nd •shih (4) hhh
```

In response to the interviewer's closed information-seeking question on line 173, Angela elects to provide more information than would perhaps be expected from the question function, qualifying her 'no' response with an account. In doing so, she lends support to her assertion that she had not asked for the additional drinks. Rather than improving the descriptive adequacy of her answer, the additional information displays an anticipation that it will not be sufficient to have merely not 'asked for them', and that in fact to have expressly *refused* drinks puts her credibility in a better position, and mitigates potential blame allocation. The detail on lines 177-78 that she has 'to get up with the kids the next day' is presented as a 'common sense' reason for refusing more drinks, thereby projecting her identity as a responsible parent. A similar process is evident in the next extract.

Extract 7-7: 'Angela', p.4, line 179

```
179  IR:  alright you'd said that they'd e::rm had this: (.)
          bag of coke that they'd passed between them had you:
          taken anything?

     IE:  no (.) I'm on anti-depressants so I wouldn't •shih
          take any drugs (1.5) a few of my friends take them
185       but •shih I don't.
```

Much as in *Extract 7-6* she displayed a desire to project a 'respectable' identity through providing supporting information for her assertion that she 'told him...I didn't want no more to drink', here Angela is providing supporting evidence for her lack of drug use. As well as citing the reason on line 183 'I'm on anti-depressants', she also includes the further information that 'a few of my friends take them but...I don't'. In doing so, she attempts to maintain the image of a 'responsible' individual, presumably able to make the 'right' decision about her health, even in the face of temptation. That she desires to project this self-image is perhaps indicative of her awareness that drug use may impact negatively on how she is implicated in the unfolding of events. In Angela's interview then, justifications for, and denial of, the use of alcohol and drugs provides evidence of a taken-for-granted assumption that this is a factor that has the potential to influence attributions of blame to a victim of sexual assault. It should be borne in mind that in light of the findings of Chapters 5 & 6 in relation to this interview, there is the possibility that the interviewer has put the interaction on a blame-implicative footing, which has influenced Angela's discursive behaviour. We return to this point in Chapter 8.

7.4 Relationship with the suspect & interpreting his behaviour

In Chapter 2 the potential implications of a pre-existing relationship between a suspect and alleged victim were discussed in some detail. Inasmuch as a decision to prosecute and convict an individual for rape often relies purely on the matter of consent, any affection between the parties is perceived as a potential threat to the victim's claim of rape. Conversely, any pre-existing hostility between the parties can also work to the victim's disadvantage, leaving her account vulnerable to accusations of fabricating a story out of malice (Jordan, 2004). On a related theme, the data reveal an assumption that potential victims should somehow be able to distinguish rapists from non-rapists, and read such a categorisation off from their behavioural signals. This is supported in the extract below.

Extract 7-8: 'Angela', p.4

```
190  IR:  (.)and how did you feel towards him then.

     IE:  (.) no worries at a:ll he was like family he was he
          was cuddling me 'nd •shih (.) he'd look after me and
          I felt safe and secure (.5) I didn't feel as though I
195       had any problems at all being left with him. •shih
```

The interviewer displays an orientation to an assumption that Angela's feelings towards her attacker are relevant to the reported rape by virtue of asking the question on line 190. Whether or not this is an assumption she herself shares is unclear – there is, as ever, the possibility that she is merely animating this question for institutional purposes, aware of an importance attached by the CPS to this information. Nevertheless, it is Angela's interpretation of this relatively open question as one which is specifically aiming to find out if she harboured any negative or uncomfortable feelings that is most revealing of socially constructed assumptions. Stating what one *did not* think or feel in response to a question about what one *did* think or feel is a marked choice – there is a need to seek an explanation for the presence of a negative statement (Tannen, 1993). The two negative constructions – 'no worries' on line 192 and 'I didn't feel as though I had any problems at all' on line 194-195 may suggest that the propositions of those utterances are perhaps not what would be ordinarily expected, given the man went on to rape her. Another possible interpretation is that the lack of ill feeling early on contrasts with how she felt towards him later, given that his later behaviour did in fact turn out to be both worrying and problematic. Either way, the negative statements firstly reveal that Angela's expectation of the 'rape' frame entail a potential victim feeling frightened, or at least uneasy, in the company of a rapist. That she did

not harbour these feelings towards her attacker, at least early on in the evening, is therefore pre-emptively cited as justification for her subsequent actions.

Interviewees' prior relationship with, or behaviour towards, the men who went on to rape them, is often treated as significant by interviewers, and behaviour that could potentially be constructed as problematic in some way can be heard to be treated as requiring explanation. An example appears below.

Extract 7-9: 'Emily', p.17

```
935  IR:  (2.8) right (.2) when e:rm (.9) you were outside
          Luigi's (.7) and you were cold and you said you were
          (.6) ((rubs arms)) trying to warm yourself up •h can
          you just describe how (.9) he came to (.6) cuddle you
          (.) that you described earlier on?
940
     IE:  (3.9) he said come here and I'll give you a cuddle g-
          keep you warm and ((unclear)) call a taxi for you.

     IR:  (.6) and how did you react to that?
945
     IE:  (1) I thought he was just being nice (1.3) so I
          thought well- try and keep- trying to make myself a
          bit warmer- ((unclear)) or something.
```

Given that the 'cuddle' occurred quite some time before the reported attack, it might seem surprising that the interviewer has chosen to focus on it. Certainly given that he is already in possession of the information that Emily had been 'trying to warm [her]self up' (line 937) his request for elaboration seems somewhat odd. The lengthy pause before Emily's response on 941 potentially indicates that she too finds the question problematic. When asked for her reaction to the cuddle, she actually avoids explicating any reaction, and instead produces a justification for (presumably) not reacting negatively: 'I thought he was just being nice'. Thus, Emily displays an awareness that her 'allowing' the man to 'cuddle' her may be construed as blame-implicative, and she sets about defending her decision to do so.

The assumption that victims hold some responsibility for what befalls them on the basis of putting themselves into vulnerable situations with potential rapists is also evident in the next extract. Taken from the early stages of the questioning phase of Becky's interview, this stretch of narrative is from her response to the interviewer questioning about her one and only previous encounter with the suspect Paul.

Extract 7-10: 'Becky', p.10

```
536  IE:  e:rm (.6) and he said that he- Nathan hadn't hadn't
          come back from ((town name)) (.2) so I'd stayed with
          them (.3) and he introduced me to Paul that night.
          (.2) along- obviously along with the rest of them (.2)
540       •hh e:rm (.8) and it was like well it's Smithy's
          girlfriend was how I was introduced (.8) and Paul came
          over and gave me a cuddle at that point (.4) and was a
          bit flirty but (.) to be fair I (.) just assumed he
          was drunk (.6) u:m (1.7) remember him like- him
545       laughing and saying am I taking you home and me being
          like no I'm Smithy's girlfriend ((smiley voice)) •hh
          (.2) e:rm (.3) but I just (.3) assumed it was (1.3)
          ((shrugs)) one of the lads and (gh:) it was harmless
          •h um: (.6) and (.) so they'd asked if I was gonna get
550       a taxi with them (.5) but I only really knew Jonesy
          who I got (.) the taxi home with. which is Nathan's
          best friend (.2) erm he made sure I got home okay but
          other than that I've never met Paul before. (1) it was
          just that (.2) one night for maybe half an hour.
```

Becky's use of 'but' on line 543 to contrast 'Paul...was a bit flirty' with '...I just assumed he was drunk' is significant. It suggests that Becky might have been expected to attach some other interpretation to Paul's behaviour – i.e. that he was being sexually aggressive towards her. Thus, she displays an awareness that while one interpretation of 'flirty' behaviour – sexual aggression – might have led her to treating Paul with caution in the future, the interpretation she had formulated on this occasion – drunkenness – would *not* be expected to have this effect on her behaviour. Her use of 'to be fair' to preface her interpretation is also of interest. If we assume in giving her interpretation she is being 'fair' on herself (as in

Extract *7-5*), then this preface is an explicit indicator that she is constructing herself a justification for her own actions leading up to the rape. An alternative interpretation is that 'to be fair' is functioning as a partial concession for Paul's behaviour – having criticised him for being 'flirty', she is now providing him with the excuse that he was drunk. A similar construction appears on lines 544-548, where Becky contrasts '...him laughing and saying am I taking you home...' with the justification 'I just assumed it was...'. 'One of the lads' frames Paul's behaviour within 'acceptable' gender norms. In emphasising this, and the fact that she assumed 'it was harmless', Becky reveals not only that her initial encounter with Paul did not conform to expectations of meeting a rapist, but that in light of her interpretations of his behaviour, her own subsequent actions – allowing him to stay in her home overnight – were justifiable.

Becky makes this explicit in the next extract, which occurs after she has described being aware of Paul behind her while she and her partner were having sexual intercourse in a field as the three of them walked home on the night in question.

Extract 7-11: 'Becky', p.14

```
800  IR:  (4.2) so are you saying that th- that when that
          happened you just thought that he was messing about or
          did you (.) think anything other than [((react))]

     IE:  thought he was messing about otherwise I wouldn't have
805       let him in the house at all (.) I didn't see him as a
          threat in any (.6) way shape or form I think I just
          assumed that he was like tt 'oh them two divvies' and
          (.7) you know.
```

After stating that she 'wouldn't have let him in the house' if she had interpreted his behaviour as anything other than 'messing about', Becky produces a negative statement 'I didn't see him as a threat...', emphasising that these reported details are perhaps contrary to expectations – or at any rate highlighting the contrast between how she perceived his behaviour at this stage, and how she perceived his later behaviour. The practice of contrasting the attacker's behaviour with one's own (mis)interpretation of that behaviour, and the production of negative constructions, are not limited to one interviewee but are recurrent in defence components across the data, as further illustrated in *Extract 7-12*.

Extract 7-12: 'Polly', p.5

```
265  IR:  can you describe to me (.) when you first saw him.

     IE:  (1) I was: (1) in the ((sculpture)) (.5) and he came
          up to me (.5) and said do I need any help (.) °you
          know° why am I doing that (1) and I just thought it
270       w- seemed like quite a sensible thing for someone-
          passing to ask.

     IR:  (1) mm [hmm]

275  IE:  [so] I- I didn't mind talking to him.

     IR:  (2.5) so what was the first point that you saw him
          (.5) wh- where did he come from?

280  IE:  (.5) he ca:me from: (unclear) (3) up towards the
          ((sculpture)).

     IR:  (.5) okay so he asked you if you wanted any help,

285  IE:  mmm

     IR:  and- and what did you say.
```

```
        IE:   I came down (.) and stood by him (1.5) and he was
   290        just askin:g what had happened n (1) umm (3) what
              was wrong and I just said that I'm drunk (1) and he
              kept hugging me (1.5) but I didn't think anything of
              it I just thought he was being friendly (2) and then
              erm (1) i- it's quite vague but I remember that we
              walked off together.
```

Polly's conjunctive use of 'so' (line 275) in this context leads us to interpret that '[it] seemed like quite a sensible thing for someone passing to ask' was the reason she 'didn't mind talking to him'. Thus, she construes the attacker's apparent 'sensibleness' as a justification for engaging in conversation with him. That she phrases the utterance on line 275 negatively, as with the previous extracts and others in this chapter, indicates that given this man went on to rape her, it is notable that he did not initially cause her to feel uncomfortable. Thus, Polly attempts to emphasise that this man was not instantly recognisable as a rapist, in order to defend her subsequent actions. The negative constructions continue on line 292, where we also see another familiar pattern. Reporting that the man 'kept hugging me', Polly, like Becky in *Extract 7-10*, uses the contrastive conjunction 'but' to connect to her interpretation of the hugging at the time, as well as downplaying their interpretations with 'just' – 'I just thought he was being friendly'. It has been noted that 'just' functions to signal 'this is not much...one could think it is (would be) more' (Wierzbicka, 1991:350). Thus, again, an interviewee makes obvious an awareness that there is another possible interpretation of the attacker's behaviour, and had she reached this alternative interpretation she might have been expected to take a different course of action to the one she did.

As well as the assumption that there are behavioural signals a potential victim should be able to read off from a potential rapist, or 'gut feelings' about them, the relationship a victim had with her attacker prior to the incident is also a significant factor in blame implication. Ellen seemingly displays an awareness of this in *Extract 7-12*.

Extract 7-13: 'Ellen', p.16

```
   860  IR:   (2.5) how would you describe Matthew's bedroom? (.8)
              have you ever been in it prior to this?

        IE:   •hhh (1) I don't go in there cos he never (.4) tidies
              up after himself but I went in- in there last week
   865        because e:r (1) we've been decorating the hallway
              (.4) and we've stripped it all and I wanted to clean
              (.7) the windows at the top of his door way (1.3) so
              I put the step ladders just into the the door (.) and
```

```
                just (.) cleaned the: the top of (1.3) the door. (.4)
870             and that was it (.3) and Gareth and I didn't (.) go
                into his bedroom I just (.) literally in the doorway.

        IR:     (1.5) and what can you remember about his bedroom?

875 IE-         (1.2) e:rm (.) he's got a- a double bed (.6) •hh erm
                (1.6) it's very small (1.3) and he often doesn't make
                the bed o:r (1.7) e::rm (.7) 'n it had a chest of
                drawers in it. (1) other than that (.) nothing really
                in there.

                ((... - discussion of bedroom furniture))

887 IR:         (4) and what about the bedding?

        IE:     (3) like when I normally go- like when I went in to
890             (.) e:rm clean the window or if I go in to throw
                something on his bed if he's left his hat downstairs
                or something •hhhh (.5) he doesn't normally have like
                a bottom sheet or anything it's all scrunched up u:m
                (1.7) and there's a quilt (1.8) I think it's greens
895             and blues on the cover I'm (.) not sure.
```

The first turn is a multifaceted question from the interviewer enquiring as to a) whether Ellen can describe Matthew's bedroom and b) whether she had been in it before. Ellen responds in the affirmative to the second part of the question, following this up with an account of one particular occasion she had reason to enter his room. It could be argued this in itself is a justification, constructed in anticipation of any blame implicative questioning that may arise from her 'admission' that she had indeed visited his bedroom prior to this occasion. Restricting her reported visits to his bedroom to the one occasion when she 'wanted to clean the windows' (lines 866-67) also pre-empts the implications that may be drawn from an assumption that she was a regular visitor to his room. There is certainly more detail about her visit than one would expect in response to a question which appears to be geared towards gaining a description of the room (although this has arguably been overridden by the second part of the interviewer's first question), and she minimises the importance of the visit with an insistence that she 'didn't go into his bedroom' and '*just literally* in the doorway' (my emphasis) on lines 870-72. However, of greater interest is her response on line 890. Beginning with 'when I *normally go-*', Ellen self repairs to produce 'when I *went* in'. There is the possibility that she has realised the original construction might be perceived as inconsistent with her earlier 'I don't go in there'. There is the further possibility that she has attached such importance to the distinction due to an awareness that implied familiarity or intimacy with the suspect could impact negatively on her credibility, or lead to blame

implication. Ellen certainly displays a similar awareness in *Extract 7-14*, taken from a little later on in her interview.

Extract 7-14: 'Ellen', p.20

```
1119  IR:  d- do you ever sit an- and chat with Matthew in any
            depth?

      IE:  (.6) yeah (.) [a lot-]

      IR:  [you do]
1125
      IE:  all- a- a lot a lot there's a lot of time there's
           just me and him in the house.

      IR:  (2.5) has he ever said anything to you:
1130
      IE:  (1) ((shakes head)) never.

      IR:  like inappropriate o:r

1135  IE:  never.

      IR:  (1) never? ((IE shakes head)) (2.4) right.
```

From line 1126 onwards it appears Ellen is anticipating that the interviewer's question on line 1119 is setting up a potentially blame-implicative sequence. While the first part of her response on line 1122, 'yeah', is formed as a direct answer to the prior question, the next part, going on to lines 1126-7, is clearly 'an answer to a projected 'next' question' (Atkinson & Drew, 1979:147) – in this case, why she 'sit[s] and chat[s] with Matthew...'. That Ellen deems her response to be in need of a justification speaks volumes about the assumptions surrounding existing relationships between victims and perpetrators. It also becomes clear from subsequent turns in this extract that Ellen and the interviewer share an understanding of what kinds of details the interviewer might be interested in in response to the decidedly vague 'has he ever said anything to you' (line 1129). Before the interviewer has furnished Ellen with the additional detail 'like inappropriate...', Ellen has already interpreted the first part of the utterance to *mean* inappropriate, and duly responded. Thus, the assumption that one might expect some degree of sexual aggression, albeit verbal, from a man who goes on to commit rape, is part of a socially constituted repertoire on which both parties rely.

The extracts discussed in this section have demonstrated that both participants in a rape interview rely on ingrained assumptions about the relationship between perpetrator and victim, and 'typical rapist' behaviour, and the effect of these on the likelihood of a rape

complaint being taken seriously. Displaying an awareness that they potentially stand accused of 'leading on' their attacker if they are presumed to have been overly familiar with him prior to the alleged rape, and of being negligent and irresponsible if they have failed to interpret their attacker's pre-rape behaviour 'correctly', interviewees often produce defence components that pre-empt and address projected blame implicative questioning on these bases.

7.5 Appropriate resistance

As discussed earlier, at one time an 'utmost resistance' standard existed in the US and Canadian jurisdictions which, continues to provide 'the primary ideological frame through which...the complainant's actions are understood and evaluated' (Ehrlich, 2001:67). In the current data, interviewees frequently produce utterances which acknowledge that they might have been expected to take some 'other' or 'more' action in resisting a rape. In the extract below, both the interviewer's open information-seeking question and Emily's answer reveal that, given the attacker's behaviour at the time, Emily might be expected to 'do' something.

Extract 7-15: 'Emily', p.9

```
496  IE:  (3) e:r hhh (2.1) he was- (1.5) star- he was trying
          to kiss me on the mouth (.4) and then he started
          kissing me on the neck cos I just kept turning my
          head away? (1.5) e:rm (1.3) he put (.3) his fingers
500       inside me (2.4) and w- he was putting his hand up my
          top,

     IR:  (2.3) °okay°

505  IE:  (.8) er- (1) he was just- ((screws up face)) m- n-
          well was a- he was like a monster.

     IR:  (2.3) can you just describe what you were doing as
          he was doing that.
510
     IE:  (2.1) I think I was in (.5) too much shock to do
          anything?(1.3) I knew I had to keep my hands:
          ((holds hand up)) (.8) on him somewhere just to (.6)
          push him off (2) ~I was just scared to (.) I think~
```

On hearing from Emily's report from line 496 onwards what actions the attacker was engaged in, the interviewer enquires as to what *she* was doing, revealing an assumption that in the light of what he has just heard, he would expect some action on her part. The inclusion of the

attacker's reported actions, 'as he was doing that' in the question on line 509 also supports this interpretation. As noted elsewhere in relation to courtroom examination,

> 'the report of an incident or other party's action in an initial position in the sequence...followed by a noticing of the fact that a witness failed to take some expected or relevant action – seems to reflect the way in which an incident is taken to occasion the relevance of a subsequent, paired action on the part of the witness'
>
> <div align="right">Atkinson & Drew, 1979:153</div>

In responding on line 511, Emily reveals these same assumptions, and simultaneously provides a possible excuse for not having 'do[ne] anything' – the fact that she was 'in too much shock' and later 'just scared to'. Despite the apparent straightforwardness of the interviewer's question – it does not explicitly ask for an explanation – Emily's response gives a *reason* for not having taken any action. Emily presents her justification as a *probable* reason for her lack of action with 'I *think...*' (line 511), which makes the perceived necessity of an explanation all the more obvious. Also of interest in Emily's response is that she alludes to knowledge of exactly *what* this expected behaviour would be, 'I knew I had to keep my hands...on him somewhere just to push him off' (lines 512-14). This adds further support to the interpretation of this sequence as displaying evidence for underlying expectations.

In the next extract Emily produces a similar construction when asked what position she and the attacker had been in, this time making the fact that her justification is a *probable* reason for not resisting more, or escaping, even more marked.

Extract 7-16: 'Emily', p.10

```
540  IR:  (.9) so th- the first time that he penetrated you
          (1) whereabouts did he penetrate?

     IE:  (1.2) °my vagina°

545  IR:  your vagina (.) right (.3) and so just describe the
          position (.4) that you were both in (.6) that fir-
          when that f- happened for the first time.

     IE:  (.9) e:rm (1.6) I was (.5) up (.7) up against the
550       wall? (2.2) with him (1.3) right in front of me (.7)
          but I think that he must have been putting quite a
          lot of weight (.9) a lot on me to keep me against
          the wall?
```

We can assume the parties identify some relevance of the first question in the sequence (line 540) and the second on lines 545-547. Just as in *Extract 7-15* the final question elicited a justification for a lack of action, action which might be expected given the attacker's actions, here Emily is required to describe her and the attacker's positions *in light of* the already established detail that he was able to penetrate her vagina. Thus, Emily produces the response to the question on lines 549-550, and incorporates an excuse on lines 550-553 which explains *how* he was able to penetrate her while they were both in a face-to-face standing position. The excuse thus represents a pre-emptive defence component against any potential challenge to the feasibility of her description, and for her reported inaction. Again, the pressure on Emily to produce the defence is evident in her choice of 'I think', and furthermore the modal 'must' – in search of an explanation, which she evidently believes is necessary, that 'he must have been putting quite a lot of weight...on me' is obviously the one she has deemed most probable.

In the following extract, Ellen displays an awareness that her (in)action may require some excuse, which in this case she bases on her semi-consciousness at the time of the attack. The participants are discussing what Ellen was aware of as she began to wake up.

Extract 7-17: 'Ellen', p.15

```
835  IR:  (1.2) in what position?

     IE:  erm (.2) just the missionary position I was lying
          down (1) •hh and e:rm he was on top (2) •shih hh
          (.8) e:rm (1.2) but I didn't wake up I didn't (.9)
840       come round enough to know what was going on I hh I
          didn't •h

     IR:  when you say he was on top (.) who do you recall
          being on top of you?
845
     IE:  (2.8) I'm- I'm guessing it was Matthew but if it
          was Matthew and I'd been aware of that I would've
          (.) woke up and •hh (1) and 'get off me wha- what's
          going on here' but I d- I didn't picture and it
850       just felt it (.4) I was- I felt asleep and (1) an-
          an- groggy.
```

Ellen produces defences in both her turns, firstly on lines 839 and 840 adding the information that she 'didn't wake up' and 'didn't come round enough...', perhaps to 'excuse' her lack of detailed memory about the attack. The second, on lines 846-51, seemingly constitutes an attempt on her part to target any potential blame-implicative questions about why she made

no attempt to escape from her attacker. Producing the conditional 'if...' clause functions to demonstrate that she is fully aware of what behaviour would be expected of her, had she been conscious and aware of her surroundings. That there is an expected way of performing resistance is further supported by the next extract. Natalie describes the physical strength of her attacker to 'excuse' her reported (in)action of ceasing to struggle.

Extract 7-18: 'Natalie', p.20

```
1083  IE:  [°I don't°] (.3) no I didn't think he didn't- (.)
            he tried to kiss me and I just pushed him.
1085
      IR:  right.

      IE:  I think hh •hh cos I could tell cos I could tell he
            had no facial hair.
1090
      IR:  (.2) right

      IE:  hh erm

1095  IR:  (.) he did try to kiss you though yeah?

      IE:  yeah (2.2) °erm°

      IR:  (4.3) °okay°
1100
      IE:  and I was just pushing him like that ((gestures
            push)) (.4) just (.) y'know g- getting his head and
            going like that.

1105  IR:  (.7) right.

      IE:  (2.1) °I got° he was too strong (1.4) so I just (.)
            gave up (1.3) and let him do it?
```

What is interesting about this sequence is that while Natalie reports three key details on lines 1083-89 – that the attacker had tried to kiss her, that she pushed him, and that this is how she could tell he had no facial hair – it is only the attempted kiss that the interviewer picks up on in his confirmation-seeking question on line 1095. Perhaps sensing the potentially damaging effects of losing detail about her resistance to the kissing, Natalie reiterates this action on lines 1101-1103. On line 1107 she then prefaces her report that she 'gave up and let him do it' with an excuse that pre-empts any potential question of *why* she gave up, 'he was too strong', and marks the cause-and-effect status of this connection with the marker 'so' (Schiffrin, 1987). Natalie thereby seems to be displaying an awareness that any actions on her part that can be construed as resistance may be crucial to the matter of how seriously her complaint is treated by the police, the CPS, and potentially the Court.

The extracts discussed in this section have demonstrated interviewees' awareness that the degree to which they resisted their attackers' actions holds some culturally-sourced and institutionally-sanctioned salience in relation to their claims that they were raped. Evidence has been presented to suggest that, rather than merely responding to the content of interviewers' questions, interviewees support their answers with excuses for levels of resistance which might potentially be construed as insufficient or ineffective. These certainly appear to be more easily categorisable as excuses rather than justifications, in that they appear to display an awareness of a 'correct' way to behave which differs to the course of (in)action the interviewees actually took. Another aspect of their reports that interviewees tend to produce excuses for is their ability to recall details of the incident. This is discussed in the next section.

7.6 Recall of the incident

Psychological research into the effects of trauma on the memory of rape victims suggests that rape memories, as compared to other unpleasant memories, are '*less* clear and vivid, *less* likely to occur in a meaningful order, *less* well-remembered, *less* thought about, and *less* talked about' (Tromp, Koss, Figueredo & Tharan, 1995:622: original emphasis). However, there are obvious institutional reasons for pursuing a detailed recall of events. The extract below provides an example of an interviewer actively seeking and account for 'not knowing' about any potential witnesses.

Extract 7-19: 'Natalie', p.26

```
1452  IR:  you don't remember anybody (.8) maybe walking past
           or when it was happening?

1455  IE:  •shih °n(h)o didn't t°=

      IR:  =no

      IE:  couldn't see anything. •h hh
1460
      IR:  right (.3) what was the reason you couldn't see
           anything?

      IE:  cos it was dark (.5) [and]
1465
      IR:  [yeah]

      IE:  it- it was in a- like (.5) a unlit place where you
           wouldn't see anyone walking past, (.7) [u- unless]
1470
```

194

```
     IR:  [okay]
```

On lines 1461-2 the interviewer actively seeks an explanation for Natalie's inability to give any detail about whether there were any potential witnesses to the rape, which she duly provides on lines 1464 and 1468-1469. There are institutional reasons for the interviewer eliciting this very specific information, namely the ADVOKATE mnemonic[12] (R vs. Turnbull, 1976), which stipulates that various criteria must be established when taking descriptions from witnesses, including factors relating to visibility. Since this extract occurs during the investigatively important questioning phase, it is acceptable within ECI recommendations for the interviewer to produce such specific questions (see Chapter 4).

The preference for maximum recall is not solely institutional. Interviewees often indicate an awareness that they might be expected to remember more than they do about the events under discussion. Producing an account for a seemingly inadequately detailed response to a question, thereby displaying a belief that there are elements of the events under discussion that they 'should' (but don't) remember or know, is a recurrent feature of their contributions. What is of interest here is that interviewees often use accounts to display an awareness that they are expected to provide answers to questions, and to mitigate blame for being unable to do so, often without the kind of explicit request evident in

Extract 7-19. In the following extract, Ellen qualifies her response to a question about whether or not the perpetrator ejaculated by referring to her general lack of awareness and semi-conscious state at the time.

Extract 7-20: 'Ellen', p.17

```
 956  IR:  (1.5) do you know if ejaculation took place o:r ((V
           shakes head))

      IE:  (2) I don't know.
 960
      IR:  you don't know. (1.7) is that something that you- you
           would normally be aware of? (.7) if you'd had sex
           with your boyfriend if- ((V nods))

 965  IE:  (1.5) yeah. (1.4) but I- I- I don't know •hh I don't
           know (.5) •h if we'd- if he'd had sex with me (.) •h
           and then fell asleep (.) I don't know how long I was
           lying there for (.) I don't know- if Gareth's heard
           noises earlier (.3) how- how d- have I just been
 970       passed out in there I d- I don't know I don't know if
           he'd had sex with me just before Gareth walked in or
           •hh an hour beforehand I don't know how long I was
           there for.
```

---

[12] ADVOKATE : **A**mount of time under observation; **D**istance; **V**isibility; **O**bstructions; **K**nown or seen before; **A**ny special reason for remembering; **T**ime lapse; **E**rror or material discrepancy between the description given in the first and any subsequent accounts by the witness.

Here, again, we see an interviewee producing a response notably lengthier than might be expected from the question function. Demonstrating an understanding that her affirmative answer on line 965 to the question of whether she is normally aware of ejaculation might be considered to be inconsistent with her earlier response on line 959 that she doesn't know whether or not the perpetrator ejaculated on this occasion, Ellen produces an account for this potential conflict on lines 965-73. In so doing, she is simultaneously orienting to an expectation that she 'should' know a detail like this, in light of the fact that she is 'normally' aware. Later, when questioned about whether or not her partner had ejaculated during the consensual sex prior to the rape, Ellen cites her consumption of alcohol to excuse her inability to answer the question.

Extract 7-21:'Ellen', p.19

```
1046  IR:  •hh did Gareth ejaculate?

      IE:  (1.5) °I can't remember° (1.3) I think so (1) I
           can't remember I'd had half a bottle of vodka.
```

Both the extracts above demonstrate that Ellen acknowledges providing the answers to the questions would be preferred. In both she provides an account which explains why she is not fully responsible for being unable to do so. Thus, these are more easily categorisable as excuses rather than justifications. Compare this extract with *Extract 7-5* for example, where Becky cites her lack of understanding of why the laundry basket had been placed in front of the door as a basis for her action of putting it back where it belonged. This information supports her contention that she acted in an appropriate manner given the circumstances, and is therefore identifiable as a justification. As the interview progresses it becomes evident that Ellen's assumptions that she 'should' be expected to provide information about ejaculation are shared by the interviewer, or at any rate the interviewer orients to an institutional assumption that this is the case. From the start of the next extract, which follows on immediately from *Extract 7-21*, the interviewer displays a certain degree of dissatisfaction with the telling of events Ellen has provided. Despite Ellen already having cited the amount she drank as the reason for her inability to remember whether or not Gareth ejaculated, the interviewer continues to search for alternative explanations. Furthermore, Ellen has already confirmed that ejaculation is something she *would* normally be aware of (see *Extract 7-19*), but the interviewer continues to question her on this matter.

Extract 7-22: 'Ellen', p.19

```
1051  IR:  right. (1.5) and (1.7) does (.) Gareth use any
            protection or:

      IE:  no.
1055
      IR:  he doesn't (1.5) erm (.9) so- so the ejaculation
            thing e:rm (1) to- to go into that a little bit
            more •hh (.9) is- is th- is that something that
            you (.9) y- you're sort of like aware of if- if-
1060        if you've had sex with somebody and they ejaculate
            is that something that you would=

      IE:  = mm hmm

1065  IR:  you would be aware of •hh how would would you be
            aware of that?

      IE:  (.2) •shih because of the dampness between your
            legs,
1070
      IR:  right (.7) •hh so d- do you recall having any
            dampness between your [legs]=

      IE:  [no]
1075
      IR:  =after having sex with Gareth.

      IE:  (.7) no.

1080  IR:  no.

      IE:  I think I just fell asleep.

      IR:  right •hh so was there any dampness (.9) between
1085        your legs when-

      IE:  no. not when I woke [up no]

      IR:  [you woke] up in Matthew's room.=
1090
      IE:  =I don't think so no.
```

Repetitive questioning has been defined as oppression in the context of suspect interviews (Bevan & Lidston, 1985), and there is no reason to believe it is not perceived as oppressive in the context of a witness interview. As well as making for a seemingly unco-operative exchange (or perhaps one in which the interviewer is not paying attention!) the repetition also serves to render the account that Ellen gave for not being aware of ejaculation in *Extract 7-19* and *Extract 7-20* somewhat inadequate, or perhaps even unconvincing. The interviewer goes on to further undermine Ellen's account of not having remembered, firstly enquiring as to how she *would* be aware before *again* asking if she had been aware of it on the two occasions that are under discussion – after consensual sex with her partner, Gareth, and on waking up in

the suspect Matthew's bed. Perhaps sensing that her earlier account has not been entirely effective in excusing her from answering the question, Ellen produces another excuse on line 1083, 'I think I just fell asleep'. Since Ellen has already made several attempts to explain the effects of her alcohol intake and general grogginess on her memory of the incident, it is not surprising that the interviewer's persistence and disregard for Ellen's qualified responses fails to pay off.

This section has highlighted participants' acceptance of common-sense expectations in relation to their memory of the attack and events surrounding it. Despite the findings of studies such as Tromp *et al.* (1995), there is a widespread myth that significant gaps in a witness' memory are indicative of a false complaint[13]. It is thus unsurprising that there is an institutionally imposed requirement for any memory gaps to be addressed during interview, since they may provide a cross-examiner with an easily accessible resource for diminishing a witness' credibility. This section has also shown that interviewees are aware of the common sense expectation that they should be able to remember events clearly, and that they thus pre-empt any criticism of their lack of memory with excuses. They are likely to already be engaged in a process of self-blame based on their intoxication (see section 7.3), and this can surely only be compounded by the additional pressure of being unable to remember that which one is expected to remember.

7.7 Chapter Summary

This chapter has demonstrated that, despite the relatively rigid turn organisation inherent in an interview situation, interviewees are able to gain some control over the content of the talk by providing explanations for their behaviour – answers to projected questions that may or may not have been subsequently produced if the accounts had not. What is of greater interest from a critical perspective, however, is how interviewees' excuses and justifications overwhelmingly correlate with prevalent assumptions surrounding sexual violence. The themes identified here – victim's pre-rape behaviour, including consumption of drugs and/or alcohol; relationship with the perpetrator and interpretation of perpetrator's pre-rape behaviour; resistance; memory of the incident – have all previously been identified either as

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[13] This assumption was echoed by detectives interviewed as part of preliminary research leading up to this study. When questioned about what leads her to believe a complaint is false, one DC listed 'you get a lot of 'can't remember'' amongst her criteria.

factors influencing attribution of responsibility to the victim or (in the case of the latter) indicators that the complaint is false.

It has also been demonstrated that interviewees are capable of producing both justifications – that is, defence components that maintain the appropriateness of their behaviour, given the context – and excuses, which treat their behaviour as unsatisfactory but alleviate responsibility for it. In the available data, it would seem that justifications are typically produced to defend behaviour or decisions made in relation to events surrounding their own pre-rape behaviour (sections 7.2 – 7.4), thus addressing any potential implications that the interviewee was in some way responsible for what happened. Excuses, on the other hand, tend to be presented in relation to interviewees' resistance (section 7.5) and performance in interview – i.e., inability to remember particular details (section 7.6), as a means of addressing potential accusations of making a false complaint.

Extracts discussed in this chapter have demonstrated a number of assumptions, including: that consumption of alcohol and drugs makes a woman vulnerable; that a woman should feel safer in the company of a member of her family than with a stranger; that men who behave in a recognisably sexually aggressive manner should be avoided; that prior friendship and/or intimacy between perpetrator and victim jeopardises a claim of rape; that a failure to resist rape requires explanation; that a woman should take responsibility for her own safety and avoid being alone in deserted areas. Since all the interviewees can be seen to produce unsolicited accounts for their behaviour in relation to one or more of the respects just listed which function to explain either why it was appropriate at the time or how they were not fully responsible, it necessarily follows that they perceive the appropriateness of their behaviour to be subject to question and thus *requiring* explanation. It further follows that they must hold, or at least be aware of, this set of assumptions about what constitutes appropriate behaviour in the contexts they are describing. Thus, the defence components they produce can be interpreted as reflecting ingrained 'commonsense' ideas about victim responsibility, as well as rape more generally, its causes, and those who perpetrate it.

Often interviewers actively address these pervasive assumptions in their talk, making clear to the interviewee that the significance of a question is not what she might first assume. The extract below demonstrates this. The participants have been discussing what Natalie was

wearing on the night in question, and at this point the interviewer is trying to elicit a description of her skirt.

Extract 7-23: 'Natalie', p.5

```
315  IR:   right (2) e:rm (.2) would that be above your knees
            below your knees.

     IE:   above.

320  IR:   (.6) °above° (1.2) •hh the reason I'm asking you
            that is (.) that >obviously we might be able to<
            (.) trace you on CCTV that's all [yeah?]

     IE:   [yeah.]
325
     IR:   and it's important we know exactly what you were
            wearing (.2) [yeah?]

     IE:   °okay.°
```

It might appear somewhat odd behaviour for an interviewer to inform an interviewee of the reason he is asking a particular question. That he does so in this extract can only be explained in terms of his awareness of what might be *assumed* to be his motivation for asking. A victim's clothing has been identified as a key component of victim-blame implication (Amnesty International UK, 2005), and with this in mind the interviewer pre-empts any potential mis-reading of his motivation for asking Natalie about the length of her skirt. Although Natalie has not explicitly indicated that she has interpreted his question as blame-implicative, he provides a defence component of his own, 'we might be able to trace you on CCTV', to ensure that she does not do so. Such overt acknowledgement and dispelling of pervasive blame implicative myths might well be the first step towards addressing their potential negative effects in police interview discourse.

The findings of this chapter suggest that any attempts to tackle the negative impact of rape stereotypes and patterns of assumed victim responsibility on the treatment of rape victims must look beyond the immediate context of the criminal justice system to attitudes prevalent in society as a whole. The six women whose interviews have been discussed in the analytical chapters are all reporting themselves to be victims of rape, and yet nevertheless feel compelled to defend themselves. This is perhaps unsurprising when we consider that their complaints are made within a 'culture of scepticism' (Kelly, Lovett & Regan, 2005), and that rape victims are habitually subjected to secondary victimization by the legal process (Lea,

2007). But that they feel the need to defend their behaviour is also reflective of wider patterns – having done 'everything right', there is a sense of incredulity that the reported events nevertheless occurred – thus, 'a woman who has been raped comes under particular surveillance by men, whilst in turn seeing herself through a male lens. She is an object of shame, and accordingly prone to self-blame' (Jordan, 2004:27). The defences produced by interviewees represent an attempt to display that they are aware of the 'rules', they followed them, and are therefore not to be blamed.

Chapter 8 The Cumulative Effect of Interviewers' Choices: A Case Study

This chapter demonstrates the cumulative effect of the interviewer's choices as revealed by all the analytical tools drawn on in this study, with reference to the interview with Angela. Presenting a detailed analysis of one interview in this way highlights the means by which the interviewer's discursive patterns contribute to the overall effectiveness of the interview, and lends support to the decisions that were made in combining the chosen analytical tools. There are two reasons why this interview has been selected for special attention here. Firstly, as identified in Chapter 3, Angela's interviewer performs exceptionally poorly overall in terms of ECI recommendations, showing little evidence of the appropriate level of training. Thus, an examination of the *discursive* means through which this inadequacy is manifested is considered fitting, in terms of this study's aim to provide a discursive contribution to the training currently offered to interviewers. The second reason Angela's interview has been selected is that hers was the only report of the six to make it to trial. Local newspaper reports of the trial and acquittal, though brief, indicate that the defendant claimed Angela had taken cocaine with him; that he had not touched her while she was sleeping; that she had not only *consented* to but had *instigated* later sexual intercourse; and that far from being incapacitated through drink (as she had reported), she 'seemed fine'[14]. On reception of the 'not guilty' verdict, the defendant reportedly shouted abuse at Angela's family, who were seated in the public gallery, resulting in a warning from the judge that his behaviour constituted contempt of court. It is not for us to say whose version of events is to be believed. Furthermore, it is impossible to know the true extent of the part played by a decidedly sub-standard police-witness interview in this outcome. Nevertheless, an in-depth analysis can assist us in establishing what potential harm may have been inflicted on Angela's case at this early stage. The veracity of her account is a peripheral concern – the focus here is how the account comes to be presented as a result of the interviewer's discursive choices.

The results of the analyses are interpreted in terms of the discourse processes at work, which in turn are explained in terms of their relationship to social processes of domination and ideological struggle. This section therefore represents an analysis of Angela's interview within Fairclough's (1989) three-dimensional framework, as outlined in Chapter 2. For ease

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[14] A reference is not provided, in order to maintain anonymity.

of contemporaneous reference to the sizeable segments of data on which this analysis and discussion is based, it is presented in landscape orientation. As mentioned earlier, only the first line number in each extract necessarily matches up to the relevant line number in the appendix – thus, there are a number of occasions in this chapter when the same number is attached to two different lines in two different extracts.

Extract 8-1: 'Angela', p.1

```
15   IR:    you (.) e::m (.) my name's Elaine, PC Moreton
            from ((town name)) police station •hh e:rm
            (.4) and we're here today to talk about an
            incident that occu:rred last night is that
            right?=
20   IE:
            =°yeah° •shih
     IR:
            (.5) before we start (.) e::rm (.) chatting
            about that Angela •h can you just confirm y-
25          your name and your date of birth
     IE:
            Angela Worthington twenty fourth of the sixth
            seventy five [•shih]
     IR:
30          [°right°] (.) and where do you live Angela? =
     IE:
            =eleven Clearmount Road
     IR:
            okay •hh (2.5) so this intervie:w is
35          commenced at ten thirty four
     IE:
            •shih
     IR:
            (3) last night about (.) seven o'clock (.7)
40          e:rm which'll've been the: (.7) eighteenth of
            May (.) two thousand and seven >you were at
            your home address< weren't you=
     IE:
            =yeah
45   IR:
            and what happe:ned? after that did you go out
            that night?
     IE:
            yeah (.) I was getting ready (.7) and I went
50          to my friend's house at Field Park (.) and
            then we went to the town •shih
```

ECI guidelines recommend a greeting and introduction as part of the goal to personalise the interview. Though the interviewer begins by giving her first name, this is swiftly followed up by a reference to her institutional role, 'PC Moreton' (line 15). As discussed in Chapter 3, this interviewer conducts the interview wearing her uniform and a high visibility jacket, which further accentuates her institutional role. In stating the purpose of their meeting and requesting confirmation for it (lines 17-18), she displays her role as the more powerful participant. We can assume that she does not request this confirmation for her own purposes, but for the benefit of the overhearing audience (unless she is considerably underprepared for the interview!). The meta-discursive comment on lines 22-23 'before we start erm chatting' suggests that, as far as the interviewer is concerned, the 'interview proper' has yet to begin. This is followed up with two closed information-seeking questions of the type we may expect of traditional 'form filling' institutional discourse (lines 23-24 & 29), both of which result in predictably 'statement-like' responses. Such structures do little to enhance personalisation or diminish the conspicuousness of the institutional setting. The turn on lines 33-34 represents an ostensible shift into

the interview proper, which the interviewer elects to signal with the institutionally scripted 'this interview is commenced...', again reinforcing the power vested in her by the institution she represents. Since it sounds like the interview has moved into the information gathering phases, we might expect a shift to a footing in which Angela takes on the roles of principal and author. Instead, however, the interviewer continues to fulfil these roles, displaying her knowledge of Angela's whereabouts in the early part of the evening with the confirmation-seeking question on lines 40-41, which is pre-faced with a date check, presumably, again, for the overhearing audience. The turn that follows the confirmation is comprised of two questions (lines 45-46), with the second, a closed information-seeking question, overriding the potentially positive, narrative-eliciting effects of the first. The interviewer appears to partially address this in her subsequent question on line 52, although specifying 'when you got to the town' arguably serves to constrain Angela's response. Angela begins a narrative, and pauses on line 65 – perhaps as a result of this constraint. The interviewer, rather than encouraging Angela to continue as stipulated in the ECI guidelines, takes this opportunity to produce a closed information-seeking question on line 67. On line 72 she *formulates* Angela's immediately prior response about the time, eliminating the uncertainty expressed

```
52   IR:   right what happened when you got to the town?

     IE:   (.5) e:rm went to several pubs: quite a lot to
           drink cos I'd drank before I'd gone out as
           well (.) •shih e::rm (.) we went to Frisco Bar
           but we didn't like it in there so we decided
60         to go to The Dingo (.2) so we went to The
           Dingo (.) •shih 'nd (.5) when I went in to The
           Dingo,

     IR:   °mmm°

65   IE:   (.5)went straight down the back end (.5) and I
           seen Steve (.) my cousin (.) and I was sat
           talking to Steve. (.) •shih (2) hhh

     IR:   (4.5) right what time w- d'you think it was
70         when you got to The Dingo?

     IE:   (.6) it might have been about half eleven.

     IR:   (1.8) so about half past eleven 'n' you'd had
75         a lot to drink before you [act]ually

     IE:                             [°yeah°]

     IR:   got there. (.) so who exactly was with you in
80         The Dingo?

     IE:   Kelly Matthews (.4) my friend (.6)•shih

     IR:   (1.7) right (.7) what I want you to do for me
85         is tell me in as much detail as possible
           everything about (1.8) what happe:ned from The
           Dingo (.4) 'nd (.) about any people that you
           were with in there. so if you can just (.5)
90   IE:   take your time=

     IR:   =°mmm°

           and tell me in as much detail as you can
           remember (.) about everything (.) that you can
           remember
```

205

by Angela's modal 'might'. A potential effect of re-wording Angela's account of the time in more certain terms is the unintentional presentation of her as more cognisant than she claims – consistent with the defendant's claim that she 'seemed fine'. The interviewer also formulates one specific detail from her narrative – her consumption of alcohol – eliminating the 'quite' from Angela's original account. This has the effect of foregrounding Angela's drinking, giving the impression that this is the most salient of the details that have been provided so far. Another closed information-seeking question follows on lines 77-78, before the interviewer finally attempts to initiate a footing in which Angela occupies all three producer roles with the open information seeking question on lines 82-91. The narrative that this elicits is soon interrupted with a series of closed questions on the topic of Angela's intoxication. *Extract 8-2* begins a short way into this series, and shows the interviewer asking no fewer than *thirteen* questions about the amount Angela drank, before moving on to question her about drug use. These questions are a combination of confirmation-seeking, e.g. 'it was just below half in the glass' (lines 166-167) and closed-information seeking, e.g. 'how big was the glass' (line 125). Of more interest, however, is how these linguistic forms, which signal the interviewer's zealousness in establishing particular details, relate

Extract 8-2: 'Angela', p.2

```
104   IR:   (3)can you remember how much more you had to
            drink

      IE:   e::rm (.5) I'd I'd gone to the toilet >and
            as I was coming back from the toilet< Steve
            and (.) Gary were- on the dancefloo:r and
110         Steve pulled me and he went "oh we were just
            looking for you" •shih so:: (.5) >my friend
            was looking after my drink so I'd went and
            got my drink and stood with them again< (.)
            on the dancefloor (.) 'n' he said (.) "what
115         d'you want to drink (.) d'you want vodka"
            and I said "I don't drink vodka" and he-
            come back with sherry but it was: (.5) like
            that in the glass ((indicates roughly 3
            inches)) (.) and I think three times he- (.)
120         got me this (.) amount of sherry
      IR:
            so how- what [what it was like I mean]
      IE:
            [a short glass]
125   IR:
            how big was- how big was the glass=
      IE:
            =the drink (.) it was like a sh- a short
            glass ((indicates 6 inches))(.) but it was
130         like (.) about that deep ((indicates 3
      IR:   inches))

      IE:   was it like the tall half pint short glasses
            [or
135   IR:
            [no the little short ones]
      IE:
            the ones that are just a bit] smaller=
      IR:
140         =yeah=
```

```
     IE:  and what it w-


     IR:  (.) there was about that much Sherry in
145       ((indicates 3 inches))


          (.5) right would you sa:y that was sort of
     IE:  you know it you served it full would you say
150       that was ha:lf o::r (.) two thirds how- full
     IR:  was the glass?

          (.5) just below half I'd say
     IE:
155       (.) just below half n when- did you say that
          was just straight sher[ry]
     IR:
          [it] was just stra:ight (.) cos it had ice
     IE:  in. it was just straight
160
     IR:  (.5) but there was ha- there was ice in=

     IE:  =there was ice in it yeah

165  IR:  (.5) and how much ice would you say was in?

          (.5) e:rm about three or four ice cubes (.)
          not much ice (.) •shih
     IE:
170       (2.5) right and- and it was just below
     IR:  ha::lf: in the glass

     IE:  right (.) it's quite a lot •shih

175  IR:  and how many of those would you say you had?

     IE:  I think it was three
```

```
     IR:  (2.5) and were they always the same amount?=
180
          =yeah
     IE:
          (1) and who bought you those?
     IR:

     IE:  Steve
185
     IR:  had you asked for them?

          no (.) told him (.) quite a few times I
          didn't want no more to drink cos I know (.)
190       •shih how far to push myself (.5) cos I have
          to get up with the kids in the next day 'nd
          •shih (4) hhh

          alright you'd said that they'd e::rm had
          this: (.) bag of coke that they'd passed
          between them had you: taken anything?
```

firstly to the discourse processes, and secondly to the social processes within which the discourse is produced. It was established in Chapter 4 that interview questions are jointly produced by the individual interviewer and the institution they represent, for the benefit of related institutions. A concerted effort on the part of the interviewer to be unscrupulous in the amount of detail they gather on a particular topic is motivated by the relevance the topic is considered to have within these institutions. Thus, the discourse processes involved in the production of interviewers' talk are

instrumental in the shaping the form of that talk. In turn, these discourse processes in themselves are reflective of ideologies and inequalities that pervade lay participants' encounters with the justice system. The 'common sense' status of women's consumption of alcohol as relevant to a claim of rape was explored in Chapter 2, and forms a recognisable component of mainstream ideology around rape. Furthermore, given the institutional power wielded by the police, CPS and Courts, it is they who have the authority to decide what is relevant in a given context. Thus, it should come as no surprise that the cumulative effect of ideology and power at the social level should be manifested in linguistic choices at the level of talk. The foregrounding of Angela's drinking through formulation and (as we shall see later) reported speech, as well as through a disproportionate number of confirmation-seeking and specific information-seeking questions, indicates a preoccupation with the topic. This contributes to an overall impression of this interview being more about Angela's behaviour than the behaviour of the man who raped her. Across the whole interview there are a total of twenty seven questions about the suspect's and his friend's behaviour. There are sixty eight concerning Angela's. The point is demonstrated again with reference to *Extract 8-3*, which follows immediately on from *Extract 8-2*, and in which the interviewer has

Extract 8-3: 'Angela', p.4

```
185  IR:  alright •hh you were saying that you were sat
          chatting to Steve how long were you talking
          to him for? (3) [i-]

     IE:  [a] bout an hour and a half it was like a
190       good long (1) chat

     IR:  (.)and how did you feel towards him then

     IE:  (.) no worries at a:ll he was like family he
195       was he was cuddling me 'nd •shih (.) he'd
          look after me and I felt safe and secure (.5)
          I didn't feel as though I had any problems at
          all being left with him •shih
          (7) when you: lived at- it was at his
200  IR:  ((family member))'s house [your]

          [mm hmm]
     IE:
          ((family member)) (.) e:rm when you lived
205  IR:  there how would you say your relationship
          with w- e:rm was with him then?

          good (.) it was like brother and sister (.)
     IE:  •shih
210
     IR:  and how would you descri::be a brother and
          sister relationship?

     IE:  (1.5) like clo:se (.) get on really well
215
     IR:  (8) had he eve::r made any (.) sort of (.)
          moves towa:rds you sexually [ever]

     IE:  [never]
220
     IR:  in the past?
```

```
       IE:
225    never •shih
       IR:
              (7) had you se- how long had it been since
              you saw him from: (1) leaving >your ((family
              member))'s in the last ten years?<
230    IE:
              (.5) I haven't seen m:uch of him at all
              might've seen him about fi:ve or six times
              (.) in that- space of time (2) but in The
              Dingo he was pointing out (.) gi::rls telling
235           me that they were prostitutes (1) and he was
              also chatting a girl up, (.) and he took her
       IR:    phone number as well.

       IE:    (1) and how did you feel about that?
240
              hh well he's married and I wasn't really (.5)
       IR:    I didn't think (.) it was nice at all. •hh

       IE:    well did you feel jealous or anything [like]
245
       IR:    [no]

       IE:    that

              no (5) cos his wife's lovely and that's like
              (1.5) it's like betraying her y'know [•shih]
```

moved swiftly on to questioning around Angela's prior relationship with the suspect. The potentially disjunctive effects of the sudden change of topic are ostensibly addressed with reported speech on line 185. While reported speech has generally been interpreted at the level of discourse process as a feature of *intertextuality* – that is, as a

means by which connections are drawn with other, pre-existing texts – they are routinely shown in the interview data to in fact function to draw connections *within* the talk. Thus, we might describe them as functioning *intratextually*. Though a relatively well-established concept in the field of literary criticism (see Chandler, 2004), intratextuality in institutional discourse has received relatively little attention. Since it is so prevalent in the interview data it may well benefit from further study. There follows a series of eight questions about Angela's feelings towards, and existing relationship with, the suspect. The same holds for the interviewer's persistence here as did for her questioning around Angela's drinking in *Extract 8-2* – the focus on this topic occurs as a result of the processes involved in the production and consumption of the talk. Again, the supposed relevance of a victim's pre-existing relationship with the suspect has been shown to be a core, 'naturalized' component of dominant rape ideology, making the establishment of details on this topic an institutionally imposed requirement. On lines 206-07 the interviewer attempts to access the relevant information rather indirectly, and seemingly dissatisfied with the response she receives, attempts to specify Angela's meaning on lines 211-12. Having still failed to coerce Angela into a discussion of their relationship *in the way that the institution deems relevant*, the interviewer, after a substantial

pause, resorts to a closed, specific-information seeking question on lines 216-217 to tackle what is perceived to be the nub of the issue – whether the suspect had given any indications of sexual interest prior to the attack. It is worth noting here that the choice of vocabulary, 'made any sort of moves towards you', fits neatly into an interpretative repertoire of 'normal' sexual encounters. Angela's negative response on line 223 is left unacknowledged, and following a lengthy silence the interviewer continues attempting to establish the degree of closeness between Angela and the suspect. Angela responds to this, and in the same turn introduces new information about his behaviour on the night in question. It is worth examining possible explanations for her doing so. We must assume that she considers his actions of 'pointing out girls...' and 'chatting a girl up...' to be relevant to the issue of how close a relationship she had with him. Thus, there is the possibility that she has interpreted the interviewer's preoccupation with this topic as leading to an implication that Angela was in a romantic or sexual relationship with him – by stating these actions, she perhaps attempts to pre-empt such an 'accusation'. Another possibility is that Angela perceives the suspect's actions to be evidence of 'bad character'. The actions of 'pointing out girls telling me that they were prostitutes' and 'chatting a girl up...took her phone number' might

be interpretable as sexually aggressive, thus supporting her claim of rape. As the talk progresses, we also see how his reported actions support Angela's view of him as dishonest or at any rate not 'nice' (line 239), given his married status. Whichever of the above explains Angela's introduction of the suspect's behaviour as a topic, it is not this that the interviewer elects to draw out over the subsequent turn on line 236. Rather, the interviewer treats his behaviour as important only in terms of *Angela's* emotional reaction to it! If Angela's description on 231-34 represents a form of resistance to the interviewer's implications and an attempt to shift the focus to the suspect's behaviour rather than her own, it is an unmitigated failure. The interviewer follows up the relatively open question of how Angela felt (line 236) with the heavily ideologically laden 'well did you feel jealous...' on line 241. Angela unsurprisingly responds in the negative, and after a lengthy pause she again attempts to return to the topic of the suspect's behaviour and why she disapproved of it on lines 247-248. This results in another sudden topic change from the interviewer, as shown at the start of *ed when* she arrived back at her . *Extract 8-3* is thus highly revealing of what the institution deems to be relevant to a claim of rape, with the perpetrator's behaviour routinely treated as secondary to the victim's.

Extract 8-4: 'Angela', p.5

```
240  IR:   [mmm] (1.5) how were you feelin: in The Dingo
           how were you: feeling i- cos you said that
           you're on medication and you'd already had a
           (.) a lot to drink [ear-]

245  IE:   [I] felt quite drunk but I think when you get
           outside it hits you more y'know like wh- when
           you start travelling a taxi I can't (.)
           travel when I've had (.) too much to drink
           (.) •shih

250  IR:
           (1) so how would you describe how you
           actually felt while you were in there?

     IE:
           (.5) quite drunk.

255  IR:
           (1) 'nd how does quite drunk make you feel?

     IE:
           (1.5) I couldn't walk straight (.) like like
           giddy when walking ((meanders with
260        outstretched hand)) (.) •shih

     IR:
           (2) was anything mentioned about how drunk
           you were?

     IE:
265  IR:   can't ((unclear)) •hh hhhh

           (1) can you think?

     IE:
           •hhhhh hhhhhhh (2) no I don't think there was
270  IR:
           (.5) did Steve mention: about how much you'd
           had to drink o::r did he notice that you were
     IE:   gi[ddy]?

           [no](.) don't think he did
```
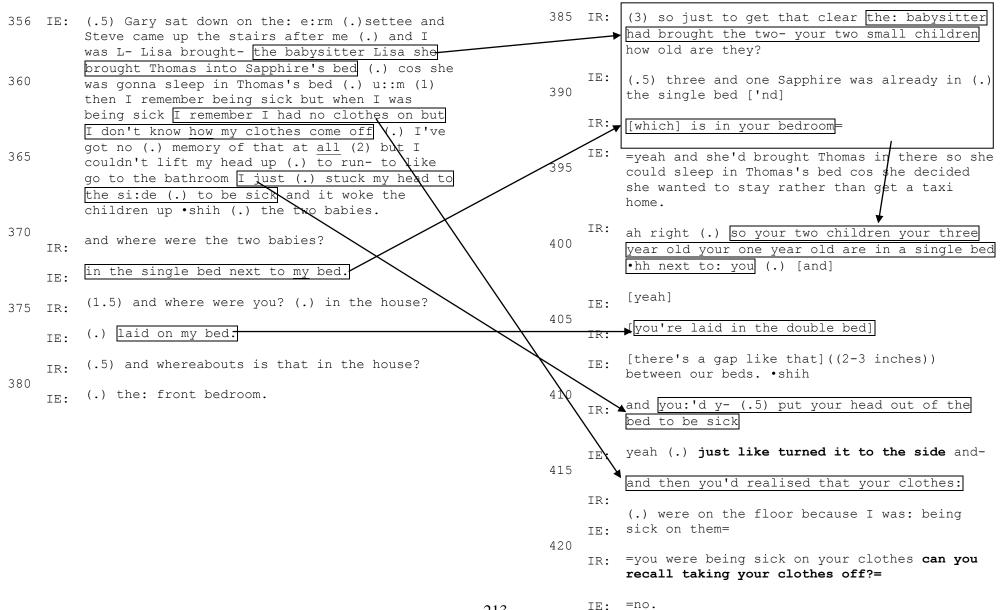
In *ed when* she arrived back at her (also discussed in Chapter 5), RS is used not only to redirect the discussion back to Angela's behaviour (and thus away from the perpetrator's), but also to cast aspersions on that behaviour. The ostensible sourcing of the details that a) Angela is on medication and b) she had had a lot to drink from Angela's own account makes these elements unchallengeable, and the implication is that these two factors combined would have some detrimental effect on her physical state. As discussed in Chapter 5 the interviewer problematises Angela's description of herself as 'quite drunk', through the use of 'so' and 'actually' (line 250) and the request for elaboration on line 255. The interviewer's illogical sequencing as she moves from the general 'was anything mentioned...' on line 261 to the specific 'did Steve mention...' on line 270, despite having received a negative response to the former, is typical of this interview, and will be returned to later in the chapter. In the meantime,

Extract 8-5 overleaf illustrates the formulating practices of Angela's interviewer. On the left is Angela's account of what happened when she arrived back at her home, followed by a number of follow-up questions from the interviewer. The right-hand column begins with the first in a series of formulations from the interviewer as she attempts to summarise

this account. Arrows indicate connections between source material in Angela's initial account and the interviewer's later re-statements.

Extract 8-5: 'Angela', p.7

356 IE: (.5) Gary sat down on the: e:rm (.) settee and
Steve came up the stairs after me (.) and I
was L- Lisa brought- the babysitter Lisa she
brought Thomas into Sapphire's bed (.) cos she
360 was gonna sleep in Thomas's bed (.) u::m (1)
then I remember being sick but when I was
being sick I remember I had no clothes on but
I don't know how my clothes come off (.) I've
got no (.) memory of that at all (2) but I
365 couldn't lift my head up (.) to run- to like
go to the bathroom I just (.) stuck my head to
the si:de (.) to be sick and it woke the
children up •shih (.) the two babies.

370 IR: and where were the two babies?

IE: in the single bed next to my bed.

375 IR: (1.5) and where were you? (.) in the house?

IE: (.) laid on my bed.

IR: (.5) and whereabouts is that in the house?

380 IE: (.) the: front bedroom.

385 IR: (3) so just to get that clear the: babysitter
had brought the two- your two small children
how old are they?

IE: (.5) three and one Sapphire was already in (.)
390 the single bed ['nd]

IR: [which] is in your bedroom=

IE: =yeah and she'd brought Thomas in there so she
could sleep in Thomas's bed cos she decided
395 she wanted to stay rather than get a taxi
home.

IR: ah right (.) so your two children your three
400 year old your one year old are in a single bed
•hh next to: you (.) [and]

IE: [yeah]

405 IR: [you're laid in the double bed]

IE: [there's a gap like that]((2-3 inches))
between our beds. •shih

410 IR: and you:'d y- (.5) put your head out of the
bed to be sick

IE: yeah (.) **just like turned it to the side** and-

415 IR: and then you'd realised that your clothes:

IE: (.) were on the floor because I was: being
sick on them=

420 IR: =you were being sick on your clothes **can you
recall taking your clothes off?=**

IE: =no.

As the diagram shows, the 'final version', edited by the interviewer, reads thus: the babysitter had brought the two children, a three year old and a one year old, into a single bed next to Angela's double bed; Angela put her head out of the bed to be sick; she was sick on her clothes. It is worth considering what is missing from this version. Firstly, there is no trace of the *reasons* given for the placing of the children in the single bed, despite Angela's attempt on lines 394-397 to re-introduce these elements. Although the interviewer produces a news receipt for this information on line 399, this is followed up with another attempt at formulating the location of the children, integrating the information about their ages that has just been elicited. Note that from line 399 the interviewer treats the four boxed segments as a continuous turn, linking each with 'and', and effectively ignoring (and sometimes talking over) Angela's intervening contributions. Angela attempts to contribute to the description with information about the size of the gap between the beds (line 408), which is ignored. More significantly, however, Angela appears to attempt a challenge of the interviewer's gloss about her physical movements. Angela's original account had described her action as 'couldn't lift my head up...just *stuck my head to the side*' (lines 366-67, my emphasis), which the interviewer formulates as 'you'd...*put your head out of the bed* to be sick' (lines 411-412, my emphasis). Although she produces a confirmation, Angela follows this up with a (re)formulation that brings the description closer back to her original, 'just like *turned it to the side*' (line 414). Thus, there is evidence that Angela has noticed the alteration, and may even be alert to the institutional significance of this difference in motor ability. The potential significance rests in the possibility that if she wants to continue in her claim that she was incapacitated at the time of the rape, it may prove crucial to her case that she ensure the wording of her statement reflects this. The interviewer's priorities, however, appear to be elsewhere.

In *Extract 8-6*, taken from some time later in the interview, it is obvious from the interviewer's two re-statements that she has little interest in Angela's emotional or physical state at the time being described, as details of this are deleted. The elements that are preserved firstly support and then refute a stereotypical rape situation. The interviewer uses a combination of WH- and option questions in an attempt to work through the events immediately after Angela woke up on the night in question. On line 499, however, she produces a formulation for Angela's confirmation relating to the answer given to a question four turns previously. This makes for a decidedly disjunctive exchange, in that the topic of whether the suspect was awake or asleep is suddenly, and without warning, returned to, with no obvious reason why. One of the intervening questions (line 485) represents a challenge to the interviewee's basis for knowledge. Receipt tokens do not appear to be a feature of this interviewer's style (and are not compulsory in institutional language, but are recommended in the training literature as part of the drive for personalisation), and we can perhaps rely on her moving on to the next question as evidence that she accepts Angela's reply 'cos his skin was touching my skin' on lines 487-8 as appropriate. The interviewer moves on to ask what

Extract 8-6: 'Angela', p. 9

```
469  IR:  (7) let's just take that a bit more slowly
          so you've come rou:nd (1) and what was the
          first thing that you saw?

     IE:  his face (.5) on top of me.

475  IR:  was he awake or asleep?

     IE:  awake.

     IR:  (2) can you remember wh- did he have clothes
480       on?=

     IE:  =no.

     IR:  (1) how d'you know?
485
     IE:  (.5) cos his skin was touching my skin.

     IR:  (2) and what was he doing?

490  IE:  (1) just still it was like i- i- it wasn't
          rea:l y'know(.) it didn't feel real I
          thought I was gonna wake up and it was: (.5)
          I was imagining it •shih(1) he was just laid
          still on me.
495
     IR:  (2) but he was awake.

     IE:  yeah.

500  IR:  (.5) did he say anything to you?

     IE:  (4.5) no I don't think he did.

     IR:  (6) and how were you feeling then?
```

215

```
505   IE:   (1.5) really drunk (.) to the poi- I couldn't
            move my body I felt like (1.5) I just
            couldn't move.

      IR:   (6) and what did you think?
510
      IE:   (2) I didn't know what to think I I I just
            went blank (.) like (5) I just couldn't
            believe it (2) •shih hh

515   IR:   and what- (1) what did you think was
            happening?

      IE:   (1.5) I didn't know cos it- it- that- that
            memory it's only a couple of seconds you know
520         like him being th- I must've (.5) gone back
            o- off again. •shih

      IR:   (3) but you said he was still.

525   IE:   (.) yeah he was still (.5) he wasn't moving.
            •shih
```

the suspect was doing. In Angela's response to this question she begins by stating that the suspect was 'just still' before going on to reiterate several times that it 'wasn't real...didn't feel real...I thought I was imagining it'. She finishes this turn by once more stating that the suspect was 'just laid still on me' – and it is this point alone that is revisited in the interviewer's turn on line 528 – once again, several turns after Angela has provided the original information. This utterance, prefaced by 'you said', is easily analysable as reported speech, but it undoubtedly has formulating qualities. The

presence of the discourse marker 'but' is also worthy of comment here. It appears to signal that, in light of Angela's inability to answer the immediately preceding questions ('what did you think' on line 513 and 'what did you think was happening' on lines 519-20), the interviewer is abandoning this topic and backtracking to one about which Angela *can* provide answers. It is worth noting here that all details about how Angela was feeling, emotionally and physically i.e., the most recently provided details, are not deemed worthy of summarising. Only those details pertaining to the suspect's behaviour are formulated in this extract, and it is worth attempting to establish why this might be the case. There is a possibility that the interviewer's first formulation on line 499 is motivated by a pre-emption of a potential defence from the suspect – that he was asleep or unconscious at the time of the alleged rape. There is a possibility that the interviewer has felt it necessary to re-state the suspect's wakefulness in light of Angela's description of him as 'laid still', and that she perceives these two details to be incompatible. This is supported by the chosen discourse marker 'but'. The interviewer's revisiting of the suspect's stillness in the second formulation on line 528 could be motivated by an expectation that men who have just committed rape run away, or possibly continue to try and subdue their victim – at any rate they are not 'still'. If so, this formulation

216

has negative evidential value, and reflects ingrained assumptions about sexual violence. There is a further possibility that the interviewer is foregrounding the suspect's stillness as a potential question as to why Angela did not escape. Either way, there is a tension between Angela's desire to articulate her emotional state and motivations for acting in particular ways, and the interviewer's pursuit of information she deems to be of evidential value.

Extract *8-7* follows on immediately from the previous extract. After the relatively open question and response at the start we see Angela attempting to pre-empt any criticism that may be directed at her in relation to her level of resistance, with questionable success. On lines 541-3 Angela elects to provide a justification along with her answer 'laid flat', which in itself could be considered an entirely adequate response to the interviewer's question 'how were you laid?' (line 539). Rather than enhancing the description, the additional component can be seen to function as evidence of Angela's recognition that she may be required to justify the (in)action of being 'laid flat' having just been raped. Thus, she

Extract 8-7: 'Angela', p. 10

```
520   IR:   (3) then what do you remembe:r (.) after
            that

      IE:   him being (2) like there to me((indicates
            area above knees with outstretched hand))
525         and he was wiping my stomach ((wiping
            motion))(.) and I felt (1.5) as if
            something had been on my stomach and he
530         was wiping (.) with a towel

      IR:   (.) when you say there to me where are you
            now?

535   IE:   hh laid on the bed and he's: at the
            ((gestures)) (1) at like my: (.) knees (.)
            type of thing.

      IR:   (.) how were you laid?
540
      IE:   laid (.) flat I couldn't move (.) I was
            (.5) that drunk - I couldn't lift (.) my
            body up I just felt -

545   IR:   (3) could you have sat up at all? (.5) at
            that point?

      IE:   no.

550   IR:   could you have got out of bed.

      IE:   (.5)no.
```

emphasises the effects that drinking had had on her mobility as a justification. The success of this justification is called in to question by the interviewer's subsequent turns on lines 545-6 and 550. Angela has produced the justification with a view to these arguably blame implicative questions about the level of her mobility, presumably believing that this will negate the necessity of the interviewer producing them – the interviewer, however, does so anyway. Much as we saw in *ed when* she arrived back at her , the interviewer produces these questions in an illogical sequence, asking firstly 'could you have sat up at all' (line 545) followed up by the more specific (and arguably requiring of more motor ability) 'could you have got out of bed' on line 550. A potential implication to be drawn from this is that there is no question of Angela being able to escape, however much she may have wanted to.

The tension between interviewers' and witnesses' expectations of the interaction is well demonstrated in *Extract 8-8*. The interviewer has just consulted her colleague in the next room about anything she may have missed. She returns and asks a number of questions about the suspect – his address, his domestic situation, the clothes he was wearing on the night. It is telling that these questions –

Extract 8-8: 'Angela', p. 13

```
716  IR:   you know when e::rm (.) you were in The
           Dingo and you met him (.) between half
           eleven and when you got the taxi home (1)
           did he (.5) was he affectionate towards you
720        or did he::

     IE:   he was (.) cuddling me on the dancefloor
           and like pulling me 'nd (.) grabbing my
           hand and but I just thought it was like (2)
725        family way t- not like (.) in a sexual way
           (1) like brother and sister would like if I
           saw my sister I 'd cuddle her and ·shih (.)
           that's what I thought it was

730  IR:   in this affection was there any time he did
           anything: (.5) in The Ding- while you were
           in The Dingo that made you feel=

     IE:   =uneasy or anything no (.) nothing
735

     IR:   right (.5) do you think there was anything
           you could've (1) done or said to him that
           made him (.) believe (.) that you may be
           interested in h- him in a sexual way?
740
     IE:   no (1) nothing (10)

     IR:   is there anything else that you can (.)
           think of that might (1.5) help us with our
745        investigation anything you can think of
           that might be (2.5) important? (12) right
           Angela we're gonna (.) finish the
           interview: at thirteen twenty one (3) you
           alright?
750
           ((banging/door opening)) ((male officer
```

218

```
                 puts head round door ))                              your previous partner?

755  IR2:  °just mention ex partners°

     IR:   oh I'm sorry yes ((door closes))(7)right
           Angela sor- the e:rm the interview is still
           carrying on (.) e:rm I just do need to ask
760        you one more thing •hh e:rm (1) you say
           you've got (.) your children at home how
           many kids have you got at [home?]

     IE:   [three]
765
     IR:   three 'nd who are the children to?

     IE:   (.5) two different people (.) ((coughs))
           [Alan]
770
     IR:   [right]

     IE:   Eddison and Oliver Edwards

775  IR:   (.5) right and what kind of relationships
           did you have with the fathers?

     IE:   (2) they e:rm (1) both left me for another
           woman (.) both done the same thing •shih
780
     IR:   (.5) but on the: (1) have you had long term
           relation[ships]

     IE:   [yeah]
785
     IR:   with [these]

     IE:   [long] term yeah •shih

790  IR:   right (1) when did you split up from: y-
```

which one might expect to be at the forefront of an investigator's mind – are added almost as an afterthought. *Extract 8-8* begins shortly after these questions have been put to Angela. Thus, it seems fairly likely its first topic – the suspect's behaviour towards Angela and vice versa – has also been suggested by the observing officer as an area worthy of further exploration. In her turn on lines 716-720 the interviewer relies on an assumption that sexual violence somehow occurs on a continuum with 'normal', consensual, sexual encounters. Certainly there is no more a just basis for such a question here than if Angela was being interviewed about being the victim of, for example, a common assault. As discussed earlier, the reality of sexual assault has nothing to do with sexual attraction or 'affection', thus the question is somewhat anomalous. For her part, Angela succeeds in distinguishing between her interpretation of the affection displayed by the suspect – 'family way'; 'like brother and sister' on one hand – and any kind of 'sexual way' on the other. In her follow up question on line 730, the interviewer, despite referring back to Angela's prior response of having evaluated the suspect's behaviour as innocent with the deictic expression 'this', is nevertheless intending to seek

information about any negative interpretations she had drawn. It could be argued that this is a blame-implicative question: had Angela had any such negative feelings towards him, questions may arise as to why she went on to allow the suspect to stay overnight in her home. There is thus a seeming contradiction in the resources drawn on by the interviewer in these first two questions – rapists are simultaneously 'affectionate' and liable to make one feel 'uneasy'. After an intervention from the observing officer the interviewer moves on to question Angela about her previous partners. As well as producing an explicit re-activation of the interview frame – 'the interview is still carrying on' on lines 757-758 – the interviewer sets up the questions about the former partners with a stretch of RS on lines 759-760 alluding to Angela's earlier mention of her children. From line 774 onwards there is an obvious communicative clash. While Angela interprets the question of 'what kind of relationships...' to refer to how the relationships ended, the interviewer signals with her 'but' prefaced question on line 780 that this is not a response she considers appropriate. What the interviewer *does* consider to be relevant, however, is the matter of the duration of the relationships. As the questioning continues it becomes evident that the interviewer is pursuing the establishment

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      IE:  (1.5) e::m (.5) was totally finished April
           oh six.

795   IR:  (2) April oh [six]

      IE:  [yeah]

      IR:  have you had any: partners since [then]
800
      IE:  [no] (.) no one

      IR:  have you had any boyfriends back to your
           house
805
      IE:  no

      IR:  (1) have you been out with anybody since
           then?
810
      IE:  (3) jus- just friendly drinks not- in a
           relationship kind of way ·shih

      IR:  and do you take them back to your [house?]
815
      IE:  [no] ((coughs))

      IR:  so can- can you tell me when the last time
           you've had sex
820
      IE:  April oh six

      IR:  and was that with your partner for your two
           children=
825
      IE:  =yeah

      IR:  (3) interview's (.) ended at thirteen
           twenty two
```

of Angela's sexual behaviour as relevant to her claim of rape, and her pre-occupation with the length of the relationships begins to make sense. In focussing on this aspect she is working towards the construction of Angela's sexual identity, in particular her level of 'promiscuity'. After Angela indicates that both relationships were 'long term' – thus distinguishing them from the more casual relationships that might presumably lead to accusations of promiscuity and blame implication – she is then confronted with a series of questions about her sexual behaviour since these relationships ended. The interviewer's turns between lines 799 and 823, during which she establishes in six questions what she could have established in one, give a decidedly repetitive impression of the interaction. Perhaps sensing that an overt reference specifically to Angela's sexual history might be considered controversial in this context, the interviewer instead begins by constructing three alternative versions of the question of whether Angela has had any subsequent relationships. This is presented as having 'had any partners' (line 799), followed by the illogically more specific 'any boyfriends back to your house' (line 804) and then the decidedly ambiguous 'been out with anybody' (line 808). Quite bizarrely, in following up Angela's response that she had been out for drinks with friends since the end of her last relationship, the interviewer responds by asking Angela 'do you take them back to your house?' (line 814), despite Angela's earlier negative response to the question of whether she had had 'boyfriends' back to the house. It would seem then that it is not simply Angela's sexual history that the interviewer is pursuing, but her behaviour in terms of bringing people into her home (note that nowhere in either the question on line 808 or the response on 811 is the gender of the people she has had 'friendly drinks' with mentioned, although contextual factors would suggest it is men the interviewer is interested in).

It is significant that the interviewer has elected to construct the question on line 814 with the present tense 'do', the intention presumably being to situate Angela's behaviour on the night in question in relation to her 'usual' practice. Perhaps considering herself to have failed in eliciting the required information with the trip round the houses on lines 799-814, the interviewer finally produces the question of when Angela last had sexual intercourse on line 818. Angela's response, somewhat unsurprisingly given her responses to the exhaustive sequence that precedes it, echoes the one given to the earlier question of when her last relationship ended. Nevertheless,

the interviewer appears to be in need of still more clarification with her final question on line 823, before she abruptly brings the interview to an end, displaying both the control she is permitted to exert over the interaction and her role as an institutional representative. A possible explanation for the interviewer's seemingly illogical behaviour in both *Extract 8-7* and *Extract 8-8* is the gradual building up to a kind of 'ultimate blamelessness', in preparation for potential challenges from the defence barrister: she could not sit up, she certainly could not get out of bed; she has not had anybody back to her house, she certainly has not had sex since the end of her last long-term relationship.

The discussion presented in this chapter has exposed the means by which institutional priorities and assumptions are brought to bear in the questioning of one significant witness. It has demonstrated that deep-seated beliefs about the responsibility women hold for their own safety, of 'appropriate' behaviour, and of expected reactions to sexual violence, can potentially be manifested through the discursive choices of interviewers. The discussion also showed that interviewers frequently draw on particular resources in order to (re)construct the events that are reported, and to construct identities for those involved, particularly the interviewee. Furthermore, it has established that there is frequently something of a chasm between the interviewer's intentions and the interviewee's expectations. While Angela often displayed a preference for discussing her feelings, reactions, and physical condition, the interviewer could simultaneously be heard pursuing an agenda of establishing the 'facts' of the case, and the extent of Angela's involvement with/responsibility for them.

The case study has highlighted the importance of considering all elements of a stretch of discourse in combination. While the analytical chapters, for organisational reasons, treated each feature selected for analysis separately, a sustained examination of their cumulative effects for the character of the discourse in which they occur consolidates the evidence that there are problems to be addressed. It should be borne in mind that Angela's interviewer, as discussed in Chapter 3, displayed little evidence of having been trained within the existing framework, and that those interviewers who *did* display the correct level of training engage in the types of behaviour discussed here to a far lesser extent. Thus, an approach to interviewing that is sensitive to the effects of

discursive choices appears to be a natural outcome of the current training scheme. However, it is worth questioning whether the acquisition of such sensitivities should be left to chance. The potential contributions of discourse analysis to the training framework are discussed in the next chapter.

Chapter 9: Conclusions & Implications

9.1 Introduction

This study set out to provide a detailed investigation into the discursive patterns that are characteristic of police interviews with rape victims. The intention was to contribute to two broad areas of research. Firstly, the study can be situated within the wealth of critical discourse analytical investigations in institutional contexts. It supports existing ideas about the imbalance in the access participants have to particular interactional resources, repeatedly demonstrating the privileged position interviewers occupy in comparison to interviewees. Furthermore, it sheds light on some of the ways in which dominant ideologies around sexual violence are manifested at the local level of interview talk. Since rape has long been recognised as a method of social control of a relatively powerless group (women) by a relatively powerful group (men), the study represents an important contribution to feminist critical discourse analysis in particular. The value of this contribution is enhanced by the study's focus on language as an integral part of the work of social institutions, and of ideology as an important aspect of creating and maintaining unequal power relations.

The second domain this study sought to contribute to is the more recently established area of discourse analytical contributions to potential improvements to police policy and practice. The branch of forensic linguistics concerned with the language of legal processes has lately become concerned not only with *describing* the linguistic features of these interactions but with making recommendations for improvement – thus heeding the critical discourse analysts' plea for 'acting on the world in order to transform it' (Caldas-Coulthard & Coulthard, 1996:xi).

The analytical chapters give support for the existence of 'rape-supportive' myths in the language of interviewers and interviewees, as well as providing an insight into methods of discursive control – an insight which can potentially form a contribution to interviewing recommendations. Thus, this study has heeded van Dijk's (2001) recommendation that critical discourse research should examine both content *and* patterns of interactional control. Through careful selection of a combination of tools

sourced from various approaches to the analysis of discourse, this study reveals some of the discursive practices at work in police interviews with women reporting rape. As a critical analysis, connections are repeatedly drawn between the patterns observable at the local level, how these occur as a result of the particular processes involved in producing and consuming the discourse, and the position of sexual violence in the wider social context. This final chapter summarises the findings of the study as a whole. Discussion is firstly presented of the contributions that have been made by the current study to existing knowledge in the relevant areas. The chapter moves on to an evaluation of the chosen methodologies, in keeping with recommendations for researcher reflexivity that are central to critical approaches to discourse (Fairclough, 1989). The findings of the analytical chapters are then summarised, and finally implications for police interview training are briefly discussed, and tentative recommendations made.

9.2 Contributions to the literature & reflections on methodology

Chapter 2 established that there has been a drive by feminist academics since the 1960s to address the crime of rape as a social, rather than pathological, problem (Brownmiller, 1975; Russell, 1975). Previous findings suggest that rape and fear of rape function to constrain women's behaviour and proscribe conformity to stereotyped gender roles. Thus, social reactions to sexual violence often comprise hostile judgements of the victim and/or her behaviour, frequently ascribing to her at least partial responsibility for the violence to which she was subjected (Amnesty International UK, 2005; Anderson & Doherty, 2008; Opinion Matters, 2010). Reflecting the patterns of this victim-blaming, perpetrator-exonerating, 'rape supportive' culture evident in Western society as a whole, findings of other research discussed in Chapter 2 revealed that these skewed attitudes are no less prolific among professionals who deal with rape victims as part of their daily work than among the general public (Maier, 2008; Page, 2008), and suggest that they are more pronounced among police officers than other professionals (Lee & Cheung, 1991, in Anderson & Doherty, 2008). The current study's value in understanding police responses to rape lies in its focus on how such assumptions manifest themselves in and through the professional business of conducting investigative interviews. Much of the existing research relied on officers' self-reported attitudes in responses to questionnaires or

research interview questions to build a picture of their perceptions. Even the studies that took a discourse analytical approach did so within contexts orchestrated specifically for the purposes of the research. The current study has made an important contribution in that rather than simply demonstrating that many police officers rely on the same set of culturally-constructed resources to interpret sexual violence as the public at large, it has shown precisely *how* those resources have the potential to influence the way they conduct their day-to-day professional tasks. It could be argued that this process is bi-directional, and that officers' professional experiences may also be an explanatory factor for their reliance on dominant rape ideology: with the informed expectation that a rape case's chance of success relies to a significant degree on its conformity to particular criteria, officers see establishing the presence of these criteria to be an integral part of their role.

The current study supports previous findings of research into talk in institutional contexts in that it demonstrates, perhaps unsurprisingly, the asymmetrical nature of this type of interaction. This holds true for the interviews examined here in spite of police training literature's recommendations to attempt re-distribution of control to the interviewee, and similar advice that seems to indicate a drive towards 'conversationalisation' (Fairclough, 1992; 1995). As will be discussed later, the tension between observing these recommendations while simultaneously ensuring the interview fulfils its institutional role manifests itself in a number of ways. The study has contributed to existing literature that has sought not only to describe discursive patterns typical of institutional contexts but to interpret these in light of the processes involved in the production and consumption of the discourse. The current study has addressed this key concern by providing an informed critique of the role currently played by the significant witness interview in relation to other institutional tasks – the investigation and potential prosecution and trial. Existing CDA research has also concerned itself with the explanation of these processes in relation to the social context in which they occur. The current study has reaffirmed the importance of adopting a critical approach to talk in institutional contexts by consistently highlighting the relationships between the discourse processes revealed by participants' choices and the ingrained 'common sense' assumptions pervasive throughout society as a whole, and by foregrounding the power inequalities and ideological struggles evident in the talk.

The findings of the analytical chapters as summarised in the next section provide justification for the selection of the tools described in Chapter 3. Given the scarcity of existing studies in the area very few decisions could be made about which tools would be best suited to the data and most revealing of patterns of control and ideology in advance of initial examination and transcription of the recordings. The novel combination of analytical methods that was finally selected, sourced from micro-sociology, Conversation Analysis and Discursive Psychology, was therefore tailor-made to suit the aims of the project. That is not to say, however, that this combination could not be applied to other types of data. Any type of interaction that comprises narrative elements along with question-and-answer sequences might well benefit from the application of a similar methodological framework. The next section revisits the findings of the analytical chapters, and pulls together these discussions to provide a comprehensive overview of significant witness interview discourse.

9.3 Summary of findings

Chapter 4 identified discursive evidence for an overall structure of the significant witness interview (SWI). While existing distinctions between the recommended phases of an SWI have tended to centre on the respective goals of each phase (Milne & Bull, 1999), an analysis of footing (Goffman, 1981) demonstrates that there are also differences between these phases in terms of 'who is speaking, and to whom?'. A significant finding from this analysis is the tension between what may appear to be two conflicting sets of interactional goals. The first set of goals can be broadly categorised as those relating to the 'traditional' aims of an investigative interview, in which an interviewer, as a representative of the police institution, gathers evidence about a reported crime for the benefit of that institution, for the purposes of a potential prosecution. As goal-oriented talk, we might expect the interaction to be characterised by an obvious asymmetry between the participants, with the interviewer constraining the interviewees' responses in order to address the institutionally defined goal of gathering relevant evidence. Furthermore, we might expect this type of interaction to contain support for the idea that interviewers are aware of institutionally-defined preferences concerning the source of the talk we find therein – they avoid introducing information for which they themselves hold the authority, since they are knowledgeable about the potential dangers arising from doing so.

The expectations generated by the goals of this first type of interaction appear in many ways to be at odds with those of the second. The second type of interaction is the one that arises as a result of relatively recent initiatives to train officers in the enhanced cognitive interview (ECI). With a focus on interpersonal communication (as well as memory enhancing techniques), the ECI guidelines represent a move towards the 'conversationalisation' (Fairclough, 1992; 1995) of police interview discourse. Thus, a new set of goals are introduced for which the interviewer must strive: that is, to 'treat the interviewee as an individual [and] present himself or herself as an identifiable person' (Milne & Bull, 1999:41). The interaction is put on a more 'personal' footing, which we might expect to lead to interviewers speaking on their own behalf, rather than as a mouthpiece for the institution they represent. Central to the ECI recommendations is the diminishing of the power differential between the participants. Thus, in stark contrast to the goal-oriented norms of 'traditional' police interviewing, with clear, pre-defined interactional roles for both participants, interviewers are encouraged to discuss 'neutral' topics, and to 'transfer control' to the interviewee. We might also expect interviewers to display their own personal knowledge of certain details under discussion, as a means of achieving this goal.

There is arguably some tension, then, between these competing sets of goals. The chapter highlighted officers' struggle to reconcile the need to orient to the overhearing audience (and thus the public context of the interaction) while simultaneously creating the impression of a conversation of the type we might expect of a more private context. This manifested itself in a number of ways. While most of the interviewing officers identified themselves in an institutionally scripted manner (i.e. by name, rank, badge number, district, etc.), this was usually followed up by an attempt to shift onto a more conversational footing. Often these attempts took the shape of meta-discursive comments on the interaction itself, constructing it as a mutual task to be accomplished jointly and thereby backgrounding the asymmetrical nature of the interaction, through such selections as 'before we start chatting about that'. It was stressed, however, that such constructions are nevertheless revealing of the in-built power structure. Participants in equal talk do not hold the authority to instruct other participants in what topics will be discussed, when, or in what order. As an object whose purpose as

an investigative and evidential tool is clearly defined by the institution of whose work it forms part, police interview talk can never be truly equal.

Another way in which features of conversation appeared to be integrated into the interaction was through items that suggested the interviewer was aligning her/himself as the primary target of the interviewee's talk. While our expectations of police interviewing (and arguably, the reality of it) might lead us to expect interviewers to maintain a receiver role in which they merely elicit information for the benefit of the overhearing audience, and are thus not aligned as the news recipients, the presence of 'newsmarks' (Jefferson, 1981) and evaluations gives a decidedly more conversational impression of the talk. It is interesting to note here that although the training literature expressly warns against giving 'qualitative feedback...as this may give the interviewee the impression that this is the type of information required and can be judged by courts as rewarding certain types of utterance' (Milne, 2004:23), to avoid doing so altogether seems somewhat at odds with the goals of conversationalisation. The discussion in Chapter 4 demonstrated the benefits of evaluative feedback for personalisation, particularly during the rapport building phase and during discussion of 'neutral' topics. There is arguably less risk involved in interviewers being heard to evaluate interviewees' utterances during the rapport phase, given that it is intended as a 'training' phase rather than as an opportunity to gather evidence. Likewise, if used elsewhere in the interview but in response to information peripheral to the central reported events, the effects of evaluation can be positive in terms of maintaining rapport. For example, Polly's interviewer responds to Polly's statement 'the more I drink...I always think that it's a good idea to drink more' with a laughing 'you're not alone in that'. Newsmarks (such as 'oh') might also be considered 'qualitative feedback', in that there is the risk of them indicating some degree of surprise on the part of their producer. When they appear in interviewers' talk, these make evident the status of some part of the interviewee's prior turn as new information, perhaps not consistent with the interviewer's prior understanding, and thus align the interviewer as the primary recipient of the talk.

Striking the balance between institutional requirements and proscribed conversational norms is further complicated when we consider what an interviewee's expectations of the discourse might be. As noted in the ECI training literature, interviewees are likely

to 'draw upon past experiences and knowledge about police personnel and police interviews to help ascertain what to expect. This information may be attained [sic] from media representations of the police and as a result may not be particularly favourable' (Milne, 2004:4). Interviewees are therefore likely to enter the interview room expecting to be the subject of control from an authority figure, and for the interview to be dominated by a stream of questions. It is an understanding of these expectations that motivates the recommendation to use the opening phases of an interview to 'train' the interviewee in what is expected of them – effectively, to dispel any pre-conceptions they may have of the interaction conforming to the norms of 'traditional' police interviews, and instead orient them to the personalised, 'interviewee-led' talk which has now become institutionally preferred. Thus, ECI guidelines are reflexive, in that they have taken steps to address any potential 'disorder of discourse' (Wodak, 1996) that may arise from the shift in interviewing style that they represent. What is important to bear in mind here, however, is that while the discourse of medical settings Wodak analysed was shown to be characterised by miscommunication arising from doctors interpreting patients' accounts from the point of view of medical knowledge while ignoring many of the signals and concerns originating from the patient, ECI guidelines are intended to reverse this pattern in the police interview context. We might thus interpret the ECI as an attempt to re-frame interview discourse to be more in line with what lay participants may have originally expected before experience and media representations altered their expectations. As participants uninitiated in the institutional norms of the Police Service, without access to knowledge of what is considered relevant and valuable information, interviewees before the introduction of the ECI found themselves confronted with a highly constrained interaction dominated by specific questions which effectively excluded a significant proportion of what they had to say. Lay expectations, based on experience and media representations, thus began to change. It is this historical context that now makes it necessary for interviewers to re-set interviewees' expectations, bringing them back towards the norms of everyday interaction in light of a shift in institutional priorities.

Chapter 5 moved to a more micro- level of analysis, namely the examination of reported speech (RS) in the contributions of interviewers. The prevalence of RS in the data is arguably a direct result of the phased approach to interviewing and the

preferred footing of the interaction – thus, this chapter followed logically from Chapter 4. Within an interview structure in which an interviewee should be permitted to provide a free report before any questioning takes place, RS is one of only a handful of devices at interviewers' disposal for reactivating elements of the report for the purposes of clarification or elaboration. RS is routinely produced by interviewers to direct the talk in particular directions while preserving interviewees' authority for the propositional content of their own earlier utterances. Thus, RS serves to maintain a footing that is institutionally favoured, and, perhaps more importantly, ensures this footing is *heard* to be activated. Like most linguistic phenomena, RS has been shown to be multi-functional, functioning variously to re-orient interviewees, elicit elaboration, constrain interviewees' responses, and re-package interviewees' talk (sometimes in quite damaging ways). Re-orienting interviewees to the relevant part of their earlier accounts as the basis for a subsequent question is essentially a co-operative function of RS. Examples were presented of stretches of RS *without* follow-up questions, but which nevertheless function as elicitations, despite the absence of an interrogative component. When RS is heard as a request for more detail about its content (e.g. 'you said you had socks on' prompting a description of the socks), it was suggested that this could be an indication that the interviewer has successfully prepared the interviewee for her role – that is, for providing maximum detail. It should be noted that, while arguably a means of controlling the interaction in terms of topic selection, RS functioning in this way is something that would not seem out of place in everyday conversation. One can easily conceive of someone, having delivered a narrative about a recent holiday, for example, hearing 'so you said the food was good' as a request for further elaboration on the topic of the food. Thus, RS used in this way might be seen as evidence of successful conversationalisation, as well as a means of gathering information in a decidedly non-coercive, non-constraining manner. Although the topic is selected by the interviewer, it is left entirely to the interviewee what aspects of the topic she chooses to elaborate on.

The chapter moved on to examine some decidedly less positive functions of RS. It demonstrated that RS, when followed up with a closed question, has the potential to contribute to a disjunctive exchange. It showed that RS is potentially misleading, in that it presents utterances as having originated with the interviewee, when in fact they may have often undergone significant re-workings of meaning and/or implication

since their original production. Their sequential positioning compounds these negative effects – interviewees are generally not given an opportunity to confirm or disconfirm the accuracy of the re-statements, since they are so often followed up immediately with questions. Perhaps the most interesting findings of this chapter relate to how RS is used by interviewers to challenge the accounts provided by interviewees. Examples presented demonstrated that re-stating two separate elements of an interviewee's free report in the same interviewer turn can imply inconsistencies between them. A particularly illuminating example of this was the interviewer contrasting two of Angela's prior statements – firstly that she had 'ran straight up the stairs' and secondly that 'Gary was on the settee'. The interviewer presented these two elements as inconsistent with one another, and thus as a challenge to Angela's capacity for knowledge requiring further explanation. Given that a victim's account of events is likely to be scrutinised by a cross-examiner at a potential trial, an argument could be put forward that, in addressing perceived inconsistencies at this early stage, the interviewer is acting in the best interests of the interviewee. Indeed, prior to the changes of the late 1980s, officers were trained to 'interview women aggressively so as to prepare them for the grilling they could expect in court' (Stern, 2010:59). However, if this is indeed the case, it is unlikely an interviewee will be aware of the interviewer's motivations, and is far more likely to interpret such behaviour as hostility. Such perceptions are unlikely to encourage the interviewee to provide a full and frank account. Interviewers would do well to note that perceptions of inconsistency are wholly subjective, that gaining a full account from the interviewee should take priority, and that this will ultimately put her in the strongest possible position should the case get to trial.

In sum, RS is signalled as the words of the interviewee, and is often immediately followed up with a question. Any response from the interviewee is expected to relate to the question, and not the RS, whose accuracy is taken as a given. The proposition of the RS, however inaccurate a representation it is of the interviewee's original words, is effectively unchallengeable. RS is therefore a site where the asymmetrical nature of the interaction is – albeit unintentionally – manifested, and where the interviewer's influence is potentially brought to bear. The choice of which elements to re-state and seek clarification on was also noted as significant, with more than one

interviewer being shown to seek clarification on issues whose perceived relevance relied heavily on skewed yet pervasive assumptions about sexual violence.

Chapter 6 continued the micro-level analysis, focussing on formulations as an additional discursive resource interviewers draw on to 'fix' the meaning of interviewees' contributions while preserving the interviewee's authority for the proposition. Formulations of gist in the data are similar to RS in that they are re-statements of interviewees' earlier talk. Where they differ from RS, however, is that they omit any speech reporting verb, and generally re-package immediately prior talk, rather than earlier talk from the interviewee's free report. Like RS, formulations were shown to be multi-functional. Much as Heritage (1985) identified in broadcast discourse, some functioned collaboratively, and were treated as accurate representations of the interviewee's position. These frame the interaction as a co-operative one, with both participants seemingly working together to negotiate meaning. Other examples of formulations functioned to prompt the interviewee into offering clarification or elaboration. Formulations functioning as prompts were shown to draw out elements of interviewees' contributions as topics for further talk. Thus, like RS, these can be described as a manifestation of interactional control, since they direct the talk in particular directions.

Some formulations appeared to address obvious institutional goals, re-wording interviewees' contributions into language deemed more appropriate for the overhearing audience (and thus for their institutional context), or foregrounding elements perceived as salient while inevitably obscuring those considered less valuable. In light of participants' clashing expectations of the interaction as outlined earlier, and the aims of ECI in addressing them, it is useful to conceive of formulations as a means by which interviewers' maintain control over the direction of the talk, ensuring it addresses its institutionally defined goals, while avoiding the overt display of control that comes from, for example, a sequence of closed questions. One example presented during this analysis showed an interviewer distilling, from an interviewee's account of her consensual sexual activities with her female partner, the fact that there had been no discomfort involved. The implied lack of injury arising from these activities is a crucial point to fix institutionally, though its significance is unlikely to have been immediately evident to the interviewee. Analysis of

formulations thus has the potential to illustrate the differences between participants' priorities. Formulations of upshot in particular appeared to address goals of institutional salience: drawing out the relevance of a particular stretch of talk for the investigation, they are a site where interviewers display their familiarity with institutional practices and agendas.

In foregrounding particular elements, it should be noted, interviewers necessarily background others. One particularly interesting example that was discussed concerned the question of whether there had been anyone within earshot of a conversation whose outcome was that the interviewee would be leaving a nightclub alone. Uncertainty markers in the interviewee's response were noticeably absent from the interviewer's formulation, but, perhaps more significantly, the formulation was somewhat revealing of underlying assumptions about who perpetrates sexual violence. Despite the interviewee's inclusion of '(just) bouncers' in her response to the question – note the 'just' here indicating that she, too, considers this group of people to be excluded from the sort of person the interviewer is interested in – there was no trace of them in the interviewer's follow-up. Thus, the presence of bouncers is treated as an expected and insignificant detail, and the construction of rapists as men hanging around with no 'legitimate' reason for doing so is upheld. Examples were also presented of interviewers foregrounding interviewees' behaviour, treating the alleged perpetrators' behaviour as secondary. Thus, the systematic selection of particular elements that support or refute particular versions of events through interviewers' use of both RS and formulations has been shown at times to relate to prevalent, and institutionalised, assumptions about sexual violence, and to be reflective of widespread patterns of victim-blaming.

It is fitting to consider the discourse processes involved in the consumption of police interview talk as a means of understanding the significance of interviewers' formulating practices. As has already been discussed, at the current time, despite recommendations that the video recorded interview should itself play a role in the judicial process, in the majority of cases the end product of a significant witness interview is a witness statement, written by a police scribe and based on the recording. A potential area for further research in this context would be examining the extent to which interviewers' formulations, as confirmed by interviewees, form the 'fixed'

representations of events that appear in the final written statement. In light of Rock's (2001) findings in relation to statement-taking sessions at a time when there was no provision for the tape-recording of this type of interaction, we might expect aspects of an interviewee's account that become foregrounded through interviewers' formulating practices to be foregrounded in the written statement. Many of the examples discussed in the current study demonstrate how it is often the interviewee's own behaviour that becomes the focus of this emphasis. Likewise, elements that have been obscured by interviewers' formulating practices, despite being considered by the interviewee to be of equal import to those elements that survive this process, are often backgrounded or even deleted from the written end product. Thus, far from fully and accurately representing the interviewee's stated position, written statements report only on those elements of the account deemed significant by the police institution. This takes us some way towards understanding why women are so frequently challenged in the witness box on the basis of perceived inconsistencies between their statement and subsequent testimony. Unfamiliar with institutional agendas, victims' own accounts do not display the same patterns of prioritising, and are likely to contain information not contained in the statement, as well as potentially presenting information in ways that differ from the 'agreed' version that appears in the written statement.

It should be stressed here that no claims are being made about any individual interviewer's *personal beliefs* about what does and does not count as relevant in relation to a claim of rape. Rather, as institutional representatives, interviewers display an *awareness* of what will be *considered* relevant in the institutional context for which the talk is being produced – i.e., the CPS and Court. As has been demonstrated, the patterns of victims' behaviour seemingly being of more interest than that of perpetrators identified in the current study is consistent with, and reflective of, a culture of 'victim blaming' that has long been identified in Western societies as a whole, not least within the judicial system.

Evidence for rape-tolerant or rape-supportive assumptions was central to the analysis and discussion in Chapter 7. Here, it was demonstrated that in police interviews, much as in other domains of discourse such as the media (Clark, 1992), courtroom discourse (Ehrlich, 2001), judicial rulings (Coates *et al.,* 1994), and the talk of sex offenders (Scully & Marolla, 1984), police officers (Page, 2008) and other professionals (Maier,

2008), a particular set of cultural resources are available to interviewees for making sense of their reported behaviour and experiences. Interviewees produce excuses and justifications because they too are members of a society that blames victims for rape. Interviewees are aware that the likelihood they will be challenged on any given detail is notably higher in this context than in any other, and this is presumably a factor in interviewees' decisions to produce excuses and justifications for their own behaviour prior to, during, and/or after an attack. On the social dimension potential challenges are informed by dominant rape ideology, and authorised by those who wield a high degree of social power, so it is perhaps unsurprising that the excuses and justifications produced by interviewees are sourced from the same hegemonic structures. There were no 'new' assumptions evident in the excuses and justifications produced by interviewees. Rather, the resources they were shown to rely upon were predictable and familiar.

Among these resources was the perceived requirement for women's diligence and avoidance of risk, with interviewees providing defences for their decisions of where to wait when alone late at night ('where the bouncers were...there's a lot of police'), removing obstacles from their bedroom door ('didn't dawn on me til today why he did it'), consuming large quantities of alcohol ('I always think that it's a good idea to drink more'), and acting in a friendly manner towards the man who went on to rape them ('I didn't see him as a threat'; 'I just thought he was being friendly'). The construction of perpetrators of sexual violence as suspicious strangers, and the assumption that men with whom a woman has shared a friendship or familial relationship are not to be feared, is worth further exploration. Interviewees were heard presenting their familiarity with a perpetrator as justification for their actions towards him, constructing their own behaviour as reasonable in light of the familiarity. The implication, therefore, is that had a woman *not* had this pre-existing relationship with their attacker, their behaviour towards him – whether this be accepting drinks from him or allowing him to spend the night in her home – would not be considered responsible, and she might thus be viewed as having behaved negligently, and as somehow holding at least some of the responsibility for what ultimately transpired.

Another predictable component of victim-blaming manifested in interviewees' defences across the data was the extent to which she resisted the attack. Interviewees

were shown to hear interviewers' questions about their actions during the attack as opportunities to describe the attempts they made to escape ('I was just pushing him like that'), or to provide justifications for their minimal or non-existent resistance ('I was in too much shock'; 'he must have been putting quite a lot of weight...to keep me against the wall'; 'I couldn't move I was that drunk'). It should be kept in mind that interviewers are not blameless in this process. In asking what someone did a speaker implies that they would have been expected to do *something*, and asking how someone indicated they didn't want sex implies that it is absence rather than presence of consent that needs to be signalled in these situations. Thus, to fully understand interviewees' excusing and justifying behaviour, the sequential structure at the local level needs to be considered alongside the resources available from the wider, 'victim-blaming' social context.

As well as indicating what interviewees believe to be expected of them in the context of the rape itself, defence components were produced to indicate that they were to some degree aware of what was expected of them in the interview. Thus, information concerning an inability to remember particular details, and any gaps in their knowledge, tended to be produced alongside an account for why this was the case ('I'd had half a bottle of vodka'; 'I think I just fell asleep'). In producing these excuses, interviewees display an awareness that a clear and comprehensive recollection of events would be preferred, and perhaps also display an awareness of the widespread myth that gaps in an account indicate a false claim – or at any rate, that gaps are likely to be exploited by cross-examiners. While it may not be surprising that women reporting rape draw on the same resources in defending their reported behaviour as do other language users in describing sexual violence – for example, the media, judges, etc. – the current study is the first to uncover the means by which they do so within the specific context of the significant witness interview. That interviewees feel the need to excuse and justify their behaviour reflects a widespread victim-blaming mythology – but however mythological, these assumptions have very real effects within the justice system. The fact remains that if victims do not pre-empt questions about the propriety of their behaviour (and frequently, even if they do), their behaviour will inevitably become the subject of scrutiny somewhere along the line, if not immediately. The challenge lies in addressing the skewed patterns of attribution that pervade the justice system and other areas of public life. While this may be

beyond the scope of the current study, it has nevertheless contributed to building up the evidence to suggest this is an issue that requires immediate attention.

As this section has demonstrated, the study went some way towards uncovering the complexities of the relationship between a piece of discourse, the processes involved in its production and consumption, and the socio-cultural context in which it was produced. The decisions that were made throughout the research were based on an understanding of what would prove most revealing of these relationships. The next section moves on to evaluate these decisions.

9.4 Evaluation

Like many studies of its kind, this study was data-driven. That is to say, the methodological tools were selected *after* initial appraisal of the data, as it was felt that attempting to fit the data into any pre-existing framework may have resulted in the generation of irrelevancies on the one hand, and missed crucial points of interest on the other. It is worthwhile bearing in mind that one of the advantages of CDA is that it allows, and in fact has been known to encourage, a 'pick n mix' approach to methodology (van Dijk, 2001). Fairclough's (1989) three-dimensional approach to the critical analysis of discourse recommends beginning at the level of text (in our case, talk), and it is what the analyst does *after* the initial analysis that makes a piece of inquiry 'critical'. Throughout the study reference has constantly been made to the interpretation of particular discursive features – reported speech, formulations and excuses & justifications – as products of the processes involved in the production and consumption of the talk as detailed in Chapter 4, (or 'discourse processes', in Fairclough's terms). Furthermore these patterns and processes have been explained in light of dominant ideology around rape (or 'social processes, in Fairclough's terms). Thus, the toolkit, comprising of analyses of footing, formulation, reported speech and accounts, allowed for a rich and detailed picture of the discourse of police interviews with women reporting rape. This toolkit, though tailor-made for the current study, would nevertheless be equally applicable to sets of data relating to interviews with male rape claimants, for example, with suspects in cases of rape, and to any interview-type interactions between laypeople and institutional representatives relating to issues to which there is a strong ideological component.

An alternative approach to the analysis would have been a 'case study' approach, treating the interviews independently of one another and applying the methodological tools deemed most appropriate to each case. However, in light of the study's aims to establish over-arching patterns of similarity within significant witness interviews as a genre, and its intentions to provide a meaningful contribution to policy, the selected approach proved far more fruitful. The ability to select and describe a particular discursive feature, and to demonstrate its potential effects with the use of a number of specific examples from the data, is one of the benefits of dealing with the data on a feature-by-feature basis. This allows for better comparability across interviews of varying quality, in relation to specific discursive features.

The study has generated findings of both theoretical and practical interest. In terms of theory, it has provided a detailed insight into the interactional norms of the discursive interview; it has revealed processes of negotiation and transformation; and it has identified several means by which dominant thinking about sexual violence is manifested in the talk of both participants in the interview. It is thus a meaningful contribution to the CDA literature, and the study of talk in institutional contexts as a whole. In practical terms, these findings have a great deal of applicability in terms of informing police practice, and have the potential to generate advice for the justice system as a whole. These practical implications are discussed in more detail in the next section. This study is therefore a further addition to a small number of studies that bridge the gap between descriptive contributions to discursive theory and practical recommendations for policy and practice (cf. Haworth, 2009).

8.4 Implications

This study has contributed to the understanding of the ways in which mainstream ideologies influence the processes of police discourse, the language patterns observable therein, and the impact of these on both the experiences of women reporting rape and the position and status of the significant witness interview in the judicial process. It is hoped that this study has demonstrated the causal nexus of these relationships: linguistic choices serve to maintain, as well as reflect, dominant

ideology; and institutionalised notions of relevance inform the format of final versions, as well as being upheld by them.

Recent proposals to allow psychologists and psychiatrists to provide expert testimony in rape cases, briefing juries on the myths surrounding the crime, have proved unsuccessful[15]. This is perhaps unsurprising, given that Western society has repeatedly been shown to be rape-supportive, and particularly in light of the oft-noted social function of sexual violence to maintain the status quo and constrain the behaviours of women (Griffin, 1971 in Ward, 1995). Efforts should continue to be made, however, to address the effects of skewed dominant assumptions and interactional control on the experiences of individuals who seek the services of institutions in which these assumptions have been shown to be rife – and this is a realistic function for this study to perform.

As outlined in Chapter 2, the current training packages offered to officers at Level 2 of the Professionalising Investigation Programme (PIP) intending to conduct significant witness interviews are delivered by senior officers and psychologists. The Enhanced Cognitive Interview model, designed primarily to enhance recall but also to emphasise the importance of interpersonal communication, incorporates few recommendations that are informed by linguistic or discursive theory. Those that do display some grounding are limited to turn constraint, such as the preference for imperative question form (labelled 'TED[16]' questions in the ECI guidance), to the discouraging of 'leading' questions, and to a brief (and not entirely accurate) reference to Grice's co-operative principle: 'detail is not often required in everyday communication...we learn from a young age what is termed the 'Maxim of Quantity', which states that detail in general communication is not required and may even be seen to be rude' (Milne, 2004:13). It is hoped that this study has paved the way for a more fruitful relationship between discourse analysts and practitioners. As noted in Chapter 2, the potential contributions of linguists and discourse analysts are gradually becoming acknowledged, thanks in no small part to the establishment of the International Investigative Interviewing Research Group (iIIRG), which seeks to foster links between researchers from all relevant fields and the law enforcement

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[15] http://www.guardian.co.uk/uk/2007/sep/25/law.ukcrime
[16] A mnemonic for questions beginning **T**ell, **E**xplain or **D**escribe.

professionals for whom interviewing represents their day-to-day work. This relationship works both ways. While this study contributes to the as yet relatively untapped resource of discourse analytical tools as a means for both assessing and informing interviewer performance, it is further hoped that it will enhance future researchers' chances of gaining access to a notoriously hard-to-reach data source. It has been noted elsewhere that 'research which is practically-minded rather than of purely academic interest is likely to enjoy rather better co-operation in this type of professional context, especially when the data sought are of such a sensitive nature' (Haworth, 2009:343), and the current study certainly owes a lot to its potential practical applications in that regard.

A recommendation to arise from this study is therefore the incorporation of a discursive component into the current package. Such a component would need to make officers aware of the potential their choices have for the shape of the final version of interviewees' accounts. This guidance should not remain limited to the structure and content of their questions. As the analyses presented here have shown, interviewers produce a range of types of utterance which function in multiple ways, and exploring the ways in which interviewers do more in the interview room than simply 'question' would perhaps be a good point of departure. Building on this, an explanation of the ways in which their influence is exerted on an interviewee's report, even in the absence of the introduction of 'new' information (which they are already warned against), may begin to address some of the issues identified. For example, the processes of preservation, deletion, and transformation that are brought about by interviewers' production of formulations should be highlighted, given the potential implications of (re)authoring interviewees' accounts for their credibility at a subsequent trial. The same is true of reported speech – while in many cases it has been shown to have an essentially collaborative function, there are enough examples of it functioning to constrain responses and even challenge interviewees' accounts, not to mention instances where it puts an alternative gloss on their words, to be a cause for concern. Given that reported speech is expressly recommended in the literature as a means of reactivating free reports (and rightly so), the importance of using it *effectively* should be addressed as a matter of urgency.

There are also lessons to be learned for the judicial system as a whole. As already noted, at the current time there is no statutory provision for video recorded interviews to be accepted as evidence-in-chief – the purpose of the recording is 'primarily one of demonstrating the integrity of the interview process' (Home Office, 2007:13). Thus, there are currently two options for the evidential use of the video recording. The first option is for a full transcript of the recording to be made, accompanied by a brief written statement from the interviewee confirming the accuracy of what was said during interview. The second option is for the police to produce a full written statement 'derived from the video recording', which the interviewee is then requested to check and sign. Thus, it is the written statement, derived from the recording, that is adduced as evidence, although 'the existence of the recordings should be revealed to the CPS as unused material' (Home Office, 2007:86). Unsurprisingly, the first option is the preferred one for the authors of Achieving Best Evidence, at least in the absence of a statutory requirement for the video to stand in as evidence-in-chief (as it currently does for children and vulnerable adults). However, in practice, there remains a judicial preference for the orderliness and relative brevity of the written statement (Milne, p.c., 2009).

Given the processes of transformation and indisputable interviewer influence that have repeatedly been demonstrated throughout this study, it provides support for existing recommendations to roll out a statutory requirement for video recorded evidence-in-chief. A statement, however well written, simply cannot capture the nuances of footing that are so crucial for the way a particular stretch of talk is framed; where two or more wordings of the same event are produced, a statement will likely only represent one of these wordings (most likely the interviewer's); it will not distinguish between a proposition put forward by the interviewee and one which is put forward by the interviewer and simply *confirmed* by the interviewee. Overall, it will distil the report into those elements that are deemed appropriate by an institution that has repeatedly been shown to obscure responsibility of perpetrators of sexual violence and place the blame squarely at the feet of the raped woman. This is not conducive to justice being served.

We can never know, of course, whether Angela would have seen her alleged attacker convicted had her police interviewer spent more time taking up interviewee-instigated

topics and questioning the suspect's behaviour, and less time questioning and formulating Angela's 'inappropriate' behaviour and challenging her motivations and bases for her claims at every turn, as was demonstrated in the mini case study. What we *can* be sure of, however, is that a jury with access to the entire process is undoubtedly in a better position to judge its merits, and to make reasoned decisions about the sources of particular details, than one that must rely on a police officer's written rendering of the details perceived (by the police and judicial institutions) to be significant. A further recommendation arising from this research is that juries and members of the judiciary, as well as having access to the entire interaction, should receive some rudimentary training in the potential effects of discursive choices in an inherently asymmetrical context. Thus, the implications of this study reach beyond the training of police interviewers.

The relative significance of particular aspects of interviewees' accounts warrants further discussion and recommendations. As well as incorporating a discourse component into the training packages of officers hoping to conduct significant witness interviews (and, needless to say, ensuring that all officers who do conduct such interviews are trained to the appropriate level), all officers would benefit from a briefing on the reality of rape – i.e., explanations that challenge the mainstream assumptions to which they are likely to subscribe. Although there has been a push to increase the number of specially trained Sexual Offences Liaison Officers (SOLOs) in forces nationwide, the data drawn on in the current study suggest that their numbers are insufficient, and in the absence of anyone appropriately trained in even the most basic of interview techniques, the job appears to fall to whoever is available. Furthermore, SOLO training does not currently prioritise the debunking of rape myth: priorities appear to lie in 'supporting' the victim, providing a single point of contact, skills in the collection of forensic evidence and providing operational support for other officers. Tellingly, one of the primary purposes of SOLOs appears to be the reduction of 'repeat and false allegations' (Home Office, 2005:32). If we assume ideological overhaul to be too ambitious an aim, we can at least begin to address the effects of dominant assumptions by bringing them to the surface, and by raising awareness about the objective, empirically supported reality of rape.

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