POLICE-SUSPECT INTERVIEWS

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Police interviews with suspects are a unique form of **institutional discourse** with a highly significant social function. Yet they have been the subject of surprisingly little attention from a specifically **pragmatic** perspective. Nevertheless, several pragmatic concepts are of relevance and interest in this context.

The **power** dynamics of the police-suspect interview have been a site of particular research interest (Harris 1984, 1989, 1995; Haworth 2006; Heydon 2003, 2005; Newbury & Johnson 2006; Thornborrow 2002; see also Shuy 1998: 174-85). This has largely focused on the asymmetric power dynamic created by the discursive roles of questioner and responder allocated to participants. Yet it has also revealed that, despite the inherent institutional power of the police interviewer, the discursive dynamics are not completely one-sided, especially since the institutional purpose of the interview is to obtain information (and indeed evidence) from the mouth of the interviewee. Special attention has been paid to the **question** types utilised by interviewers and their pragmatic function (Harris 1984; Haworth 2006; Newbury & Johnson 2006; see also Johnson (2002) on the pragmatic implications of 'so'-prefaced questions), and to discursive strategies of resistance utilised by interviewees (Harris 1989; Haworth 2006; Newbury & Johnson 2006). However, given the institutional purpose of the interview such resistance may be *discursively* successful but ultimately damaging to the interviewee's legal position (Haworth 2006), and overall the literature demonstrates that power and control ultimately always remain with the interviewer.

In a study of a different manifestation of **power** relations in the police-suspect interview, Ainsworth (1993) analyses the invocation of suspects' rights during U.S. police

interrogations as **performative speech acts**. Focusing on the right to consult a lawyer, she highlights that legal doctrine requires 'direct and unqualified **assertions**' of these rights in order for them to have legal effect (262). Due to strict principles of interpretation applied by the courts which run entirely counter to pragmatic models of **communication**, Ainsworth demonstrates (302ff.) that the use of **ambiguous** language, **implicature**, or even **hedges** can be sufficient to deprive interviewees of basic legal rights, despite the clear intended (if not literal) **meaning** of their utterance.

Shuy (1998) also uses pragmatic concepts to reveal injustices in U.S. police interrogations, considering in some depth the **speech act** of confession. He observes that 'most confessions are not made up of relatively clear and unambiguous **performatives** … Instead, confessions are often pieced together by means of an interrogation by law enforcement officers' and are thus 'dialogically constructed' (9). He provides a number of case studies in which he was involved as a linguistic expert, and where this process of dialogic construction led to flawed confession statements.

In the U.K., police-suspect interviews have a significant dual function, being both investigative and evidential. In addition to their original interview-room setting as part of the initial police investigation, interview data are subsequently **transcribed** and presented as evidence to judge and jury in court. This future evidential function of the interaction, and its consequent recontextualisation in the courtroom, have several important interactional consequences.

Firstly, this means that interviewers' turns often have the function of eliciting – indeed creating – specific pieces of evidence in the form of interviewees' responses. This is

especially important in establishing the *mens rea*, or 'mental' element of an offence, such as **intention** or **knowledge**. This needs to be established explicitly and unambiguously in order to be legally robust, leading to communicatively superfluous **requests** for **explicit** accounts of an interviewee's state of mind even when already apparent by **implication** (referred to by Stokoe & Edwards 2008 as 'silly questions').

Secondly, the evidential requirement for **explicitness** leads to difficulties with **context**-dependent language such as **deixis**, used in the interview room but then recontextualised into the courtroom, whereby its intended point of **reference** becomes lost (Haworth 2009 forthcoming). The use by interviewees of context-dependent and under-determined language often leads to repairs from interviewers who are more oriented to the future context and function of the utterances. But it is also still used by interviewers, indicating the difficulty of maintaining the needs of multiple contexts and audiences for utterances simultaneously (Haworth 2009 forthcoming).

A further important concept in the U.K. police-suspect interview context is the **inferential meaning** of **silence**. Despite the so-called 'right of silence', section 34 of the Criminal Justice and Public Order Act 1994 states that if, on being questioned, a suspect fails to mention a 'fact', and this fact is later relied upon as part of their defence, the court is entitled to 'draw **inferences**' as to why they did not mention this sooner. The nature of these inferences is not specified, but the clear implication is that silence, or rather the absence of a (legally) effective response to a police **question**, can be taken as a sign of guilt. This arguably gives legal effect to the usual inferential meaning accorded to the absence of an explanation or denial in the face of an accusation. Yet prior to the introduction of this provision, such inferences were not legally permitted to be drawn.

However, despite legal references to the 'right of **silence**', in interviews where that right is asserted there is generally very little actual silence, with most interviewees still conforming to the expected interview format by supplying some form of verbal answer, often in the form of the formulaic 'no comment'. This can be seen as to some extent still **co-operative**, in that it provides at least some response to the **question**, as well as functioning as a formal invocation of the interviewee's rights.

As a final general point, it should be borne in mind that the institutional function of police-suspect interviews and the procedures involved can vary considerably between different legal jurisdictions. The goal orientation of the interview will therefore be slightly different (e.g. the preparation of a written monologic summary in Holland (Komter 2002), cf. the direct creation of verbal evidence in the U.K.), with inevitable interactional consequences. Further, police-suspect interviews have a different institutional goal to the police-witness interview; an important functional distinction which is often overlooked.

See also: Ambiguity; context; deixis; explicit/implicit distinction; implicature; inference; institutional and professional discourse; legal pragmatics; performative pragmatics; performativity; power; question; silence; speech act theory; speech act type

Suggestions for further reading:

Heydon, G. (2005) *The Language of Police Interviewing: A Critical Analysis*, Basingstoke: Palgrave.

Cotterill, J. (ed.) *Language in the Legal Process*, Basingstoke: Palgrave.

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