

The Suspect's Statement: Talk and Text in the Criminal Process

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The Suspect's Statement: Talk and Text in the Criminal Process
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Despite a long-standing, historical acknowledgement that spoken and written texts are not the same (Biber 1988; Halliday 1989) the complex issues involved in the process of converting one to the other is not recognized (or at least addressed) within legal contexts (see e.g. Haworth 2018). It has been fifteen years since Blackwell (1996) stated that “the need for forensic linguists to develop an understanding of the transcription process is as pressing as ever” (p.253). In this book, Martha Komter makes transparent the journey of the suspect’s statement within the Dutch Criminal Justice System, drawing on her own work spanning more than ten years.

Over six chapters, Komter highlights and makes transparent the ‘career’ of the suspect’s statement grounded in the institutional and specifically legal context. The book provides a ‘backstage pass’ to the Dutch criminal law process as we move through the process from the interrogation where the statement is constructed through to the use of the statement in the courtroom trial. Komter highlights how the construction of the statement, as either a monologue, a question-and-answer-style transcript or a recontextualised monologue is later referred to and relied upon, and how sections of talk are presented as directly quoted speech. This is a problematic, overlooked and under-examined issue not just in the Dutch criminal justice system but in many other jurisdictions and non-legal institutional settings.

The book is firmly situated within ethnomethodology and Conversation Analysis (CA). As we move into chapters 2-4, the applicability of the method to the material is

demonstrated. Readers familiar with the methods and theoretical basing will be instantly familiar with the concepts and references that Komter draws on throughout the book. Yet, a reader from any discipline is able to access, understand and analyse the material due to the succinct and well-pitched explanations. As we move through the chapters, the analysis of the suspect's statement is supported by conversation analytic concepts such as 'alignment', 'footing' and most importantly for chapters 3 and 4, 'epistemics' (Heritage 2012). The excellently executed, fine-grained conversation analysis conducted by Komter is expertly presented in an accessible writing style, making the analysis readable for those with and without a technical CA vocabulary. In fact, in the Conclusion and Discussion section Komter states her analyses are interpretations which any reader would be able to make (page 187); a strength of ethnomethodology and Komter's application of it.

The book is well organised. The first of the analytic chapters, Chapter 2, 'The Police Interrogation: The Talk, the Typing and the Text' details the construction of the report during the spoken interaction. Chapter 3, 'The Police report: The Document, the Text and the Talk' situates the creation of the record within the bureaucratic and institutional context. We are guided through the features of the record which attend to the institutional business of evidence gathering. This chapter considers the authorship of the record and we are taken through many aspects of the report which are routine, and which are specific to the interview. It interweaves the institutional features of record keeping and makes explicit how this combines with the interviewee's words through the medium of the officer who is producing the texts comes to be in one record format.

In Chapter 4, we move into how the record is used with the aim being to show how the case file impacts the participants in the court. We see reference back to these records as facts of what the suspect has said, which we know from earlier chapters is not often the direct words of the suspect – yet they are 'quoted' nonetheless.

By the time we arrive at Chapter 5, 'The Career of A Suspect's Statement', we have been thoroughly prepared by the preceding chapters, and are well-placed to see this through from interrogation to trial via one case. This chapter is a micro, turn-by-turn analysis of what was written up compared with what was said. It makes transparent the process, and we are walked through the analysis of the process and see a side-by-side comparison of the two transcriptions. What particularly stands out is the observation of the use of the formulation "you say x" (page 165) by court professionals 'quoting' the statement from the case file. We're shown how unlikely it is that the suspect did 'say' the words which they are later quoted as saying.

The Conclusion and Discussion section nicely brings us back through the chapters, tying each to the others. It is also here where we find a discussion of entextualisation (page 179). Entextualisation is an underpinning concept running through the book but Komter reserves explicit discussion for this section of the book and we do not see citations of references that we might expect such as Bauman and Briggs (1990), Maybin (2017) or Park and Bucholtz (2009), which might help the reader explore the concept further after reading this book. Komter finishes with an important and appropriate reflexive discussion on how we as academics also recontextualise material as we produce, reproduce and present transcribed extracts of data in our own work. It brings the discussion full circle. Many researchers examine this problem from a variety of angles,

in a number of contexts. A strength of the book is how tightly Komter sticks to her own work, and the Dutch legal setting. This ensures the book addresses the aims it sets out to, and the material presented and the discussion that follows fill the knowledge gap outlined. However, in reading so closely about Komter's own work, the reader is left to make the leaps to other jurisdictions and institutional contexts themselves, although there are comparisons to others' work in chapter 3. What is captured and what is omitted in the types of records Komter outlines in chapter 3 is central to the arguments here, yet we do not see a discussion of the existing literature.

The publishing of this book exposes the overlooked and largely unquestioned impact of influencing factors on the construction of suspect statements, such as whether the interrogation was conducted by a single officer or multiple interviewing officers, and the impact this has on how the statement is constructed, and how it is produced during the interaction. It also raises questions about the agency of the suspect and the extent to which they are able to convey their version of events in their own words. We see how the interrogation of the suspect is so closely curated by the question-and-answer sequence, led by the officers, that the possibilities for what can be reported by the suspect are constrained. This ultimately determines which details are available to be recorded, recontextualised and later quoted by professional participants in court.

This book is well-situated to be a go-to on the practices of interrogation and record-keeping in the Dutch legal context and an excellent reference for those of us who are examining other jurisdictions and institutional contexts. It provides exceptional detail for others to pick up issues raised here, and examine and make comparisons of their own jurisdiction or institutional setting. It will be an ideal text for teaching, certainly a text for those who want to get quickly and easily up to speed with 'the way things are done' in this context. For a practitioner audience, this book does not make recommendations. However, in highlighting the issues, in such an accessible way, and by inviting other scholars to examine these practices there will no doubt be implications for practice.

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