

Chapter 12

“Tell Me in Your Own Words . . .”

Reconciling Institutional Salience and Witness-Compatible Language in Police Interviews with Women Reporting Rape

Nicci MacLeod

Introduction

It is a well-established tenet of discourse analysis that the primary recipient for many types of institutional talk is not the participants who are physically present, but an absent “overhearing audience” (Heritage 1985). In the case of investigative interviews, the talk is relevant to a wider context—it is “performed for a higher authority, a judge and jury” (Johnson 2008: 330). In England and Wales, interviews with “significant witnesses,” that is, those who were immediate to the event in question or have a particular relationship with the victim, including victims themselves, are identified as requiring particularly thorough and proceduralized interviews (Rock 2010) and routinely have their police interviews video-recorded (Ministry of Justice 2011; ACPO 2013). They are then entitled to have the video recording stand in for their direct examination at a subsequent trial, meaning the interview is an evidential object as well as an investigative aid (see Haworth 2010). The influence of this future audience over the unfolding talk and the communicative challenges posed by this unusual audience design (Bell 1984, 2001), often unrecognized by the naive interviewee (IE), have been explored thoroughly (Stokoe and Edwards 2008; Haworth 2013). But negotiating the needs of multiple audiences is not the only challenge faced by interviewers (IRs) seeking institutionally useful accounts of events from lay witnesses. A further potential constraint associated with contemporary, cognitive, interview-based training models such as PEACE is the recommendation for the IE to be allowed to tell their story “in their own words” (see Milne and Bull 1999; Milne 2004, 2016), uninterrupted and with minimal input from the IR. As highlighted by Heydon (2005), in Goffmanian (1981) terms

this equates to a preference for IEs to be aligned as principal and author, as well as animator, of their own accounts—in other words, they hold sole responsibility for the content and form of their story. Evidence of IRs' preference for such a framework often appears in the form of explicit promotion of it, such as “Would you care to tell me in your own words . . . ,” but they also work to maintain the footing in more subtle ways, such as by feigning ignorance of certain facts in order to elicit an on-the-record answer to a question, as though the IE were the sole owner of the “new” information. IRs are also heard reactivating elements of IEs' accounts in order to carry out probing around specific topics, attempting to do so within a framework wherein the IE's status as principal and author is not jeopardized.

The salience of the overhearing audience and the preference for an account in which the IE, uninitiated in the routines of police interviewing, has her principalship and authorship preserved thus presents a double-pronged challenge for IRs. Their aims are conflicting; while the central goal of an investigative interview is to draw out and fix an institutionally appropriate account of events, IRs experience a simultaneous pressure to ensure that this account is rendered in the words of the IE—words that are unlikely to be deemed institutionally appropriate. IRs are tasked with negotiating a telling that will be compatible with its roles within the criminal justice system while avoiding potential criticism that they themselves have unduly influenced the telling. How these seemingly contradictory objectives are reconciled is the key focus of this chapter.

The problems are further complicated in the context of interviews with complainants in rape cases. The achievement of justice in rape cases has long been recognized as a substantial challenge within the criminal justice system (see Westera, Kebbell, and Milne 2016), and one that is inextricably tied up with prevalent and deep-seated attitudes toward sexual violence, its perpetrators, and its victims (Gregory and Lees 1999; Anderson and Doherty 2008). Western society has been described as a rape-supportive culture, and such support is realized through all levels of the social structure, including the legal system (Matoesian 1993) and the police (Page 2008). Questions therefore arise about how such ideology might be realized and oriented toward in investigative interviews—if rape-supportive ideas are a feature of institutional attitudes toward sexual violence, what are the concrete implications of this for the negotiation of an institutionally appropriate account of a rape?

In this chapter I focus on formulation (Garfinkel and Sacks 1970) and reported speech as

sites where IRs can variously be heard to orient to the absent audience and to maintain the IE's authority, and as interactional resources they draw on in order to fix meaning and establish institutional salience. I examine the processes by which IEs' reportings of events come to be restated by interviewers and in the process are negotiated such that they provide a good fit for addressing their primary aim. I identify tensions between the seemingly conflicting goals of institutional propriety and maintenance of IE principalship and conclude with some observations on the impact of these patterns for rape victims' experiences of the criminal justice system.

Participation Frameworks and Reflexive Language

This chapter is concerned with the extent to which IEs' status as authors of their own accounts is truly maintained when IRs use reflexive language, or metadiscourse, in significant witness interviews. The data drawn on here were collected from an English police force in 2008 for research purposes; video-recorded interviews are archived by the police as a matter of routine and are eligible for release to researchers under section 33 of the Data Protection Act (1998). All names and identifying information were changed at the time of transcription, which was carried out by the author.

Both formulations and reported speech are devices used to reactivate or maintain topics while ensuring that IEs retain principalship, or authority, for the content of the message, but both are sites for potential rewordings that pose a threat to the IE's status as author. The process has been noted as "a powerful instrument in mystifying . . . principalship" (Bublitz and Bednarek 2006: 552). Thus, final versions of accounts are likely to contain descriptions of events in the words of IRs, attributed to IEs. Given the risks associated with rape victims' accounts in court not match exactly their accounts during their interviews, this is an issue that should be viewed with some concern.

Switching between the available production and reception roles, or shifts in "footing" between various "participation frameworks" (Goffman 1981), are managed with the use of cues that indicate the producer's and receiver's relationship to the utterance(s). In 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 IR by name, rank, and badge number, along with a statement summarizing the time, date, and location. Rather than being the words and sentiments of the individual officer spoken for the

benefit of the ostensible addressee, the IE, these utterances are in fact produced on behalf of the police institution for the benefit of the ultimate audience of the tape. During questioning, however, the situation is likely to be quite different. IRs are not provided with scripts for use during this stage—rather, they are expected to be flexible and adapt their questioning according to the interviewee’s responses.

Garfinkel and 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 and 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. Third-turn positions in the talk of trials, news interviews, and police interviews are typically occupied by these utterances, which allow questioners to “decline the role of report recipient while maintaining the role of report elicitor” (Heritage 1985: 100) and reporting the speech of others as a means by which an IR “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).

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 IE to minimally confirm or deny the modified version. One important function of formulations is the translation of the interaction into something “preservable and reportable” (Heritage and Watson 1974: 149). They have three central properties: preservation, deletion, and transformation (125). Identifying the elements that are preserved, deleted, and transformed has the potential to reveal underlying assumptions of the IRs and the police institution as a whole. With reported speech, too, 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 IR to represent propositions previously expressed by the IE have the potential to construct meanings that differ from those the IE may

have originally intended.

Johnson (2008) shows how police IRs, in translating lay accounts into institutionally appropriate ones through formulation, necessarily do not “take up” all the elements that are provided. Instead, they focus on those elements that emphasize suspects’ involvement and responsibility, from which they negotiate a new version, which the suspect is then encouraged to support. Haworth points out that an IR often “alters the [interviewee’s] words subtly but significantly, re-casting the scene described in a different light” (2009: 200).

As well as potentially feeling that the negotiation process has produced a skewed portrayal of events, there is the possibility that IEs whose own words have been inaccurately attributed to them feel some pressure to acquiesce to the inaccurate statement nonetheless.

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, a positive response—that is, a confirmation—is the preferred reception. A direct and unmitigated disconfirmation has the potential to disrupt the ongoing talk and “initiate a search for a fresh basis on which concerted comprehension can be established” (Heritage and Watson 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. Given the asymmetrical nature of the interaction and the fact that formulations by their very nature ostensibly preserve the IE’s principalship, it is worth questioning how frequently formulations and reported speech are challenged by IEs. I will go on to show how many instances of reflexive language, though inaccurate (sometimes potentially damagingly so), are nevertheless accepted wholesale by IEs as an accurate representation of their own words.

Cooperative Reorientation and Defining the Crime

An IR’s repetition or paraphrasing of part of an IE’s account functions to direct the IE 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 probing in this way might be viewed as cooperative activity, assisting the IE in navigating her account and mitigating the impact of what might

otherwise appear to be a highly disjunctive interaction. Since it is an effective means of breaking down the account for further questioning while avoiding interruption, the sequence of reported speech plus open information-seeking question is a commonly used strategy and one that succeeds in smoothly eliciting descriptive accounts, as shown in the following excerpt. Note that in all extracts, line numbers reflect where the segment appears in the original interview transcript.

Excerpt 12.1

- 655 IR: no. (1.0) •hhh so can you describe to me **y- you've**
656 **mentioned about a can of Carling** (.) can you describe
657 what happened there.
658 (1.0)
659 IE: um (.) I think I was still watching (2.0) er the League of
660 Gentlemen (.) and he came in (1.5) and gave me the can of
661 Carling that was already open and then sat down (0.5) and
662 I: (.) started to drink it (2.5) u:h don't know if he
663 started coming on to me (.) while I was drinking it (.)
664 o:r if I (.) put it down (.) and then he started.

Excerpt 12.1 provides evidence of the IR's awareness that reporting the IE's earlier talk back to her is likely to assist her by reestablishing the context in 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 the IE to the relevant section of her free report before producing the originally intended question. Although it would be feasible to ask her to "describe what happened with the can of Carling," the reporting of the earlier part of the account allows the IE to become aware of the IR's intentions much earlier.

The cooperative recycle is one function of formulations explored by Heritage (1985) in the context of new interviews, and this can also be identified in police interviews. Consider the following excerpt, 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). The IE has just explained that she had been advised not to drink alcohol while taking her prescribed antidepressant medication.

Excerpt 12.2

803 IR: okay •hh is that purely because it stops the medication

804 working or does it have any adverse effects with the

805 alcohol.=

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

807 IR: =mm [hmm]

808 IE: [so]it

809 (.) it just makes (.) um medication useless really.

810 IR: okay (1.0)so it’s th- it’s- it’s- sort of u:m (.)

811 **counteracting the antidepressant with a depressant.**

812 IE: yeah.

The IR’s formulation on lines 810–811 represents a more formally worded, institutionally appropriate, yet unproblematic gloss of the IE’s contribution at lines 806 and 808–809, which the IE subsequently confirms on line 812. The IE has not used the words “counteracting” or “antidepressant” in her attempt to describe the effects of alcohol on her medication, but the IR introduces these terms in her own gloss of the description. This extract also demonstrates the preference structure associated with formulations, with a confirmation preferred, as is evident from the IE’s instantaneous and unqualified response. Thus, reflexive language can be a means of assisting an IE in conveying her message, by offering a paraphrase of prior talk that agreeably represents the stated position. There are obvious potentially negative implications of this, to which I shall return later.

Some occasions of reflexive language function to project a topic over a further turn, standing alone to invite the IE to elaborate on an aspect of her account. By restating IEs’ statements, IRs are able to draw out particular elements and preserve them as a topic of further

talk, 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 excerpt, the IR produces a stretch of reported speech and then a formulation, both of which prompt elaboration from the IE on the topic of the suspect's hair.

Excerpt 12.3

- 348 IR: °okay° •hhh you've described him as having (0.5) short
349 dark hair (.) sort of shaven.
350 IE: mmm (.) u::m (1.5) like a n- a number four or five.
351 IR: okay (4.0) so that's sli- slightly longer than having it
352 like shaven (.) to the head.
353 IE: no it wasn't (.) like that but it wasn't sort of floppy
354 (.) hair.

The IR begins on line 348 with a stretch of reported speech, directing the IE back to the part of her earlier account where she had described the suspect's hair. The IE 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. Thus, IRs' intentions when reporting IEs' speech are often immediately obvious to the interviewee, to the extent that the questions being set up are sometimes not required at all; the IE provides further detail in response to the restatement alone. Since these kinds of utterances from IRs have previously been categorized as confirmation-seeking questions (Newbury and Johnson 2006), it is of interest that they can also provoke such elaborate and informative responses. The IR's formulation on lines 351–352 can be heard as prompting the IE to elaborate, in that it indicates her description on 350 as having altered, albeit slightly, the initial description of the hair as "shaven," thus requiring further explanation. In producing the formulation, the IR signals that the description has been modified from what might have been understood from the IE's original. The formulation is accepted by the IE on lines 353–354, and she goes on to place 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 the IE in the construction of an accurate,

and thereby institutionally useful, account of events.

IEs understandably often exhibit difficulty in describing the rape itself, but police obviously are strongly motivated to establish the facts of this central action in order to investigate further and refer it to the CPS. Formulation is one way to achieve the fixing on the record that an action legally defined as rape took place. An example appears in excerpt 12.4, where three extracts relating to the telling of the central event are reproduced: A is from the IE's initial free report, B from the subsequent questioning phase, and C from the next phase of questioning, labeled in the guidance as the "investigatively important questioning" phase.

Excerpt 12.4

A. 113 IE: an then after that~ (1.0) •HHH HH •HH um •HHHHHHHH~I
114 don't know where it was but (.) mm (.) a male •hhh
115 mm **obviously (0.8) did what he did** HH (.) and then
116 (0.8) I just closed my eyes through **it all**.

((around 17 pages omitted))

B. 1043 IR: you did. (.) right okay (0.3) so: (1.0) what did he do
1044 next?
1045 IE: •hhh (0.5) hhhh (0.4) I don't know (1.3) um
1046 ((•shih)) (0.4) **I think it was sex I'm not sure**
1047 IR: okay=
1048 IE: =whether it was his hand or not.

((57 lines omitted))

C 1105 IE: °I got° he was too strong (1.4) so I just (.) gave
1106 up (1.3) and let him do it?
1107 (5.3)
1108 IR: °okay° (4.8) so (0.6) **he actually penetrated your**

1109 **vagina yeah?**

1110 (0.7)

1111 IE: yeah.

During her free report (A), the IE 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 (B), the IR uses a relatively open information-seeking question (lines 1043–44) to successfully move the IE 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 (C), when leading questions are permitted in order to address specific gaps in the account, the IR formulates the IE’s contributions to the unambiguous “he actually penetrated your vagina” and offers 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, which is clearly prosecutable as rape under UK law.

The extracts discussed here highlight the differences in the ways 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. Interviewers, on the other hand, because they are 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, although the implications of interviewees’ talk for the investigation and collection of evidence are often highlighted, other matters deemed less relevant for the pursuit of institutional goals are obscured.

I have so far demonstrated the relatively straightforward and unproblematic use of formulating and speech-reporting practices, with interviewers making use of them in order to summarize and direct the discussion in particular directions—a manifestation of their power at the local level, but not in any obvious way a threat to the credibility of the IE. I will continue by examining ways in which IRs use reflexive language to transform IEs’ accounts into objects of

value to the criminal justice system, thus demonstrating institutional power in a wider context. These practices also reveal particular ideological assumptions inherent in this wider context, in terms of what is deemed to be of institutional value.

Reflexive Language and Threats to Authorship

That reflexive language is a routine means by which IRs signal the IE's status as the principal behind a message has been touched upon, as has the fact that, in formulating or constructing a stretch of reported speech, IRs give the impression that the interviewee also stands as author in relation to the message—in other words, that it is a verbatim account of what she has already said. When alterations are made to IEs' wording, there is potential for negative effects on their credibility or on the evidential quality of the interview. Let us look at some examples.

Excerpt 12.5

A. 88 IE: •shih (3.0) he bought me two drinks sat at the table
89 (1.0) two big bottles of cider it was (3.0) u::m (2.0)
90 •shih **they were passing (.) u:m cocaine between**
91 **(.) him and Gary (0.5) quite frequently going to the**
92 **toilets with this small bag, (.) •shih (10) •shih**

((around 87 lines omitted))

B. 179 IR: all right **you'd said that they'd u:m had this: (.)**
180 **bag of coke that they'd passed between them had**
181 **you: taken anything?**
182 IE: no (.) I'm on medication so I wouldn't •shih take
183 any drugs (1.5) a few of my friends take them but
184 •shih I don't.

Excerpt 12.5 shows the IR producing a stretch of reported speech (lines 179–180) and following it up immediately with a closed question on the topic of whether the IE had taken drugs on the

night in question. Let us compare the reported speech to the IE's initial account. Earlier, the IE stated that the men she was with "were passing [. . .] cocaine" (line 90). When the IR attempts to direct her back to this segment for probing, she asserts that "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. This alteration gives cause for concern. First, the words of the IR are attributed to the IE with the use of "you'd said" (line 179). Secondly, the IE has no opportunity to challenge this attribution: the stretch of reported speech is not a question to be answered, or even a formulation to be confirmed or disconfirmed; it is a precursor to a question, and as such is followed up, immediately and without pause, by the part of the turn to which the IE *is* expected to respond. The asymmetrical nature of the interview and the sequential organization of reported speech make it difficult for IEs to launch challenges. Of crucial importance is the possibility that the IR's words, masquerading as those of the IE, are the ones to appear in the negotiated, final version, thereby creating the potential for challenge from cross-examiners. Since, arguably, referring to cocaine as "coke" suggests some higher degree of familiarity with the substance than using its full name, the possible implications for this in terms of the IE's perceived credibility are obvious. It should surely remain a matter of concern that IRs are able to misrepresent IEs' accounts in this way and remain unchallenged.

A further example of institutional assumptions being made latent in the restating contributions of the IR appears in excerpt 12.6. The relevant earlier segment from the IE's free report is included, as well as the later exchange in which the IR directs her back to the report. "Nathan" is the pseudonym given to the IE's partner, who was asleep next to her at the time of the attack. "Paul" is the pseudonym given to the suspect.

Excerpt 12.6

1093 IE: he sat and told me to shush. (4.8) and when Nathan woke
1094 up he obviously didn't (0.6) he was just like (0.4) what's
1095 going on and **I'm screaming to tell him to get away from**
1096 **me and •hh not to let him hurt me.** (2.5) started crying
1097 and then (0.8) hitting Paul.

((sixteen lines omitted))

1113 (1.4)
1114 IR: °mmm° (34.2) **you said you were saying (1.0) don't hurt me**
1115 **or don't let him hurt me** (0.4) what made you think (0.6)
1116 that he was gonna hurt you [or that]
1117 IE: ['cause he] was having sex with
1118 me and I didn't want to. (11) and that is hurting me.

After a long gap on line 1113, the IR restates the IE'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 IE's account uses the words "*screaming* to tell him," the IR has altered this to the more neutral verb "saying." It would be problematic for the IE to challenge this rephrasing—first, the words are being presented as her own, and secondly she is given no opportunity to confirm the accuracy of the IR's version before he moves into the particularizing question on 1115, "What made you think . . ." To ask "What made you think . . ." is itself worthy of further discussion, suggesting as it does that the IE's reasons for reaching that conclusion are not immediately obvious. The premise of the question on lines 1115–1116 appears even more anomalous when we consider that the IE has already provided the information that during this time, the suspect was engaging in intercourse with her without her consent. The IR has displayed a reliance on an interpretive repertoire of forced penetration being distinct from "hurting" someone—of rape as distinct from violence. This IE launches a challenge to this interpretation on lines 1117–1118, but it is easy to see how much simpler it would be to acquiesce, and indeed this IE ultimately does.

Another theme that has frequently been identified in discourse-analytical studies of rape is that of "appropriate" resistance (see Fairclough 1995; Ehrlich 2001). 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 still fully functions below the surface, and that resistance is a factor that should be established on the record if a case is to proceed successfully.

Excerpt 12.7

- 904 IR: °°right°° (1.8) and (0.8) whilst all this (0.5) was
905 happening (1.3) **you said you had your hands on his chest**
906 (0.8) was there anything else that you did (1.0) that you
907 felt (0.8) woul- °dunno what I'm trying to say here° (3.8)
908 y- you're saying that- **you obviously reported this to the**
909 **police that you didn't want this to happen.**
- 910 IE: ((shaking head)) ((°°unclear°°))
- 911 IR: okay (1.0) how do you think that h- th- that you portrayed
912 that to him?
913 (2.8)
- 914 IE: u:m (3.9) °don't know° (1.6) [a l-]
- 915 IR: [when um]
- 916 IE: a lot of people (1.0) take advantage that I wear a short
917 skirt when I go out that I'm- (0.5) I'm (.) easy? (1.7)
918 but I've never (1.7) I've never given anybody the come
919 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" (line 905) is referring the IE to a specific aspect of the current topic: her resistance. The question that this statement sets up proves problematic for the IR to construct, as flagged by the noticeably quieter aside on line 907. The content of the aside suggests that the IR 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 908–909, "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 911–912, “How do you think that . . . you portrayed that to him?” This question implies, first, that it would be expected for a woman in this position to give more indication that she did not want intercourse; and secondly, that there are set ways of portraying a lack of desire to have intercourse (including having one’s hands on his chest, as is evident from the first attempt at formulating the question on line 906, “Was there anything *else*” [my emphasis]). Of further interest is the emphatic stress on “him,” suggesting that, while *the IR* understands the meaning of the IE’s actions, the attacker is not necessarily expected to have interpreted the pushing in the same way. The substantial gap on line 913 and the filler and pause on 914 before the IE’s noncommittal reply indicates that these assumptions do not correspond with her own, or at least that she is having trouble understanding exactly what kind of answer the IR is expecting. As the IR begins to try to assist her, she finally attempts an answer, finding it necessary to justify her behavior on lines 918–919: “I’ve never given anyone the come-on.” In effect, she is forced into denying the opposite behavior from where the sequence started. For the IE, not having “given the come-on” is evidence enough for her lack of consent. The IR seemingly abandons the line of questioning and moves on to another part of the IE’s account.

IRs’ assumptions about which details hold greater evidential value than others can be shown to be closely related to institutional attitudes toward sexual violence as a whole. A close examination of the details from IEs’ narratives that are preserved, deleted, and transformed has the potential to demonstrate this. An example of a potentially problematic gloss appears in excerpt 12.8.

Excerpt 12.8

- 296 IR: and then what happened?
297 (.)
298 IE: they said “ah s- can we come back to your house” (.) and
299 **I said “ok fine it’s not very often I get company” (.)**
300 **didn’t have a problem with it.**
301 (5.0)

302 IR: so how had you felt about the night so far with=
 303 IE: =okay (.)
 304 no problems at all.
 305 (3.0)
 306 IR: **and you'd said yes because you were w- w- enjoying the**
 307 **c[ompany,]**
 308 IE: [yeah][I felt safe.]
 309 IR: [so then] **you felt safe** •hh what u:m what
 310 happened after that then how did you get (.) [home?]

Fairly dramatic changes are made to the IE's account of how the suspect ended up at her home. She directly quotes herself as saying on the night that "it's not very often I get company" and the negative statement "[I] didn't have a problem with it" on lines 299–300, implying that having "a problem with it" might be expected given that one of the men went on to rape her. This is transformed by the IR to "*enjoying the company*" (my emphasis). The contrast between the two is stark, yet the IE issues an instantaneous ratification of the IR's version of events. The fact that the IR restates the reason the IE has given for allowing the men into her home suggests some importance is attached to this element of the story, and that this is behavior requiring explanation. Rather than focusing on the men's reported behavior, 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 premeditation), the IR instead foregrounds the IE's actions of *allowing* them to come back. 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 inviting the suspect into one's home; the suspect's actions appear to be secondary to this.

Concluding Remarks

I have shown that reflexive language has the potential to be revealing not only of institutional priorities, but also of the ideological assumptions on which those priorities are based. Of course,

it could be argued that IRs are attempting to test IEs' accounts with counterclaims that could potentially be made by the suspect or his lawyer (see Antaki, Richardson, Stokoe, and Willott 2015). Nevertheless, the discussion here highlights the fact that police-interview discourse conforms to well-established norms of discourse around sexual violence, particularly in respect of its foregrounding of victims' behavior and obscuring of perpetrator culpability. Formulation and stretches of reported speech function to construct an institutionally beneficial object out of the lay tellings of naive interviewees—a translation process that in itself can prove highly revealing of institutional assumptions about the nature of the crime. As well as displaying IRs' orientation to the absent audience, reflexive practices are highly revealing of what they perceive to be of most value, in that they systematically select elements from IEs' accounts that support or refute particular versions of events. When an IR chooses to reiterate that a victim “said yes because [she] was enjoying the company,” or to question what the IE had done to demonstrate that sex was unwanted or what had given the IE the impression that a man in the process of raping her might hurt her, for example, it is useful to explore their motivation for doing so—what potential “versions of events” do these reiterations support?

Reflexive language may be problematic for interviewees to refute in that the words, or at least the force of the message, have been attributed to the interviewees themselves. Although the changes often seem minor and of little consequence, some of the excerpts in this chapter show 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 the 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 reported speech with a question, meaning that any response from the interviewee is expected to relate to the question and not the reported speech, the proposition in which therefore remains unchallenged (and unchallengeable). 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 he or she considers the behavior to require an explanation—to the overhearing audience, if not to the interviewer. Therefore, as well as considering the elements that have been preserved, deleted, and transformed in each case, that the formulation was produced at all is in itself revealing of “commonsense” assumptions. That interviewers often perceive victims’ behavior 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 and 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. The significance of these processes cannot be overlooked. Rape victims often face criticism during cross-examination on the basis of inconsistencies between their statement and their testimony. This chapter demonstrates just two of the means by which these supposed inconsistencies might arise.

References

- ACPO. 2013. *Advice on the Structure of Visually Recorded Witness Interviews*. 2nd ed. <http://library.college.police.uk/docs/APPREF/ACPO-Witness-Interview-Structure-2013.pdf>.
- Anderson, Irina, and Kathy Doherty. 2008. *Accounting for Rape: Psychology, Feminism and Discourse Analysis in the Study of Sexual Violence*. London: Routledge.
- Antaki, Charles, Emma Richardson, Elizabeth Stokoe, and Sara Willott. 2015. “Police Interviews with Vulnerable People Alleging Sexual Assault: Probing Inconsistency and Questioning Conduct.” *Journal of Sociolinguistics* 19: 328–35.
- Bell, Allan. 1984. “Language Style as Audience Design.” *Language in Society* 13: 145–204.
- Bell, Allan. 2001. “Back in Style: Reworking Audience Design.” In *Style and Sociolinguistic Variation*, edited by Penelope Eckert and John R. Rickford, 139–169. Cambridge: Cambridge University Press.
- Bublitz, Wolfram, and Monika Bednarek. 2006. “Reported Speech: Pragmatic Aspects.” In *Encyclopedia of Language & Linguistics*, edited by Keith Brown, 550–553. Oxford: Elsevier.

- Garfinkel, Harold, and Harvey Sacks. 1970. "On Formal Structures of Practical Actions." In *Theoretical Sociology: Perspectives and Developments*, edited by John C. McKinney and Edward A. Tiryakian, 337–366. New York: Appleton-Century-Crofts.
- Caldas-Coulthard, Carmen Rosa. 1987. "Reporting Speech in Narrative Written Texts." In *Discussing Discourse*, edited by R. M. Coulthard, 149–167. Discourse Analysis Monographs 14. English Language Research, University of Birmingham.
- Ehrlich, Susan. 2001. *Representing Rape: Language and Sexual Consent*. London: Routledge.
- Fairclough, Norman. 1995. *Critical Discourse Analysis: The Critical Study of Language*. London: Longman.
- Goffman, Erving. 1981. *Forms of Talk*. Philadelphia: University of Pennsylvania Press.
- Gregory, Jeanette, and Sue Lees. 1999. *Policing Sexual Assault*. London: Routledge.
- Haworth, Kate J. 2009. "An Analysis of Police Interview Discourse and Its Role(s) in the Judicial Process." Ph.D. diss., University of Nottingham.
- Haworth, Kate, 2010. "Police Interviews in the Judicial Process: Police Interviews as Evidence." In *Routledge Handbook of Forensic Linguistics*, edited by Malcolm Coulthard and Alison Johnson, 169–194. Abingdon: Routledge.
- Haworth, Kate. 2013. "Audience Design in the Police Interview: The Interactional and Judicial Consequences of Audience Orientation." *Language in Society* 42(1): 45–69.
- Heritage, John. 1985. "Analyzing News Interviews: Aspects of the Production of Talk for an Overhearing Audience." In *Handbook of Discourse Analysis*, Vol. 3, *Discourse and Dialogue*, edited by Teun van Dijk, 95–117. London: Academic Press.
- Heritage, John, and D. Rod Watson. 1974. "Formulations as Conversational Objects." In *Everyday Language: Studies in Ethnomethodology*, edited by George Psathas, 123–162. New York: Irvington.
- Heydon, Georgina. 2005. *The Language of Police Interviewing: A Critical Analysis*. Basingstoke: Palgrave Macmillan.
- Johnson, Alison. 2008. "'From Where We're Sat . . .': Negotiating Narrative Transformation through Interaction in Police Interviews with Suspects." In "Narrative Analysis in the Shift from Texts to Practices," edited by Anna De Fina and Alexandra Georgakopoulou. Special issue, *Text & Talk* 28(3): 327–349.
- Matoesian, Gregory M. 1993. *Reproducing Rape: Domination through Talk in the Courtroom*.

Chicago: University of Chicago Press.

- Ministry of Justice. 2011. "Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures." http://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf.
- Milne, R. 2004. "The Enhanced Cognitive Interview: A Step-by-Step Guide." [Unpublished police manual.] [https://researchportal.port.ac.uk/portal/en/impacts/surrey-police-use-interview-guide-made-by-uop-staff\(29bac711-2070-4442-b008-23bfb6b26f4f\).html](https://researchportal.port.ac.uk/portal/en/impacts/surrey-police-use-interview-guide-made-by-uop-staff(29bac711-2070-4442-b008-23bfb6b26f4f).html).
- Milne, Rebecca. 2016. *CREST Guide: The Cognitive Interview*. <https://crestresearch.ac.uk/wp-content/uploads/2016/05/16-006-01.pdf>.
- Milne, Rebecca, and Ray Bull. 1999. *Investigative Interviewing: Psychology and Practice*. Chichester: Wiley.
- Newbury, Phillip, and Alison Johnson. 2006. "Suspects' Resistance to Constraining and Coercive Questioning Strategies in the Police Interview." *International Journal of Speech, Language and the Law* 13(2): 213-240.
- Page, Amy D. 2008. "Judging Women and Defining Crime: Police Officers' Attitudes toward Women and Rape." *Sociological Spectrum* 28(4): 389-411.
- Rock, Frances. 2010. "Witnesses and Suspects in Interviews. Collecting Oral Evidence; The Police, the Public and the Written Word." In *Routledge Handbook of Forensic Linguistics*, edited by Malcolm Coulthard and Alison Johnson, 126-138. Abingdon: Routledge.
- Stokoe, Elizabeth, and Derek Edwards. 2008. "'Did You Have Permission to Smash Your Neighbour's Door?' Silly Questions and Their Answers in Police Suspect Interrogations." *Discourse Studies* 10(1): 89-111.
- Westera, Nina J., Mark R. Kebell, and Becky Milne. 2016. "Want a Better Criminal Justice Response to Rape? Improve Police Interviews with Complainants and Suspects." *Violence against Women* 22(14): 1748-1769.