'You keep telling us different things, what do we believe?' – Meta-communication and meta-representation in police interviews

Andreas Musolff, University of East Anglia
Email: **a.musolff@uea.ac.uk**

Abstract

Quotation and reflective interpretation of previous statements are common features in police interviews. Of particular importance is the uncovering of apparent contradictions between earlier and current responses in interviews of suspects. Conflicting statements can be used by officers as triggers to elicit new responses that explain inconsistencies. In linguistic pragmatics, such reflective commenting on utterances is categorized as metacommunication, i.e. 'communication about communication', which includes metarepresentation, i.e. second-order representation of another representation through some form of quotation. Such instances of metacommunication are key-instances of negotiating the communicative interests of its chief participants, which in a suspect interviews consist on the one hand in the interviewers' purpose of establishing grounds for a potential criminal charge and, on the other hand, the interviewee's interest in avoiding such a charge. This article analyses exemplary cases of metacommunication in multilingual police interviews from the perspective of quotation pragmatics. The results suggest that police interview training should pay special attention to this area in order to optimise cognitive results.

Keywords: investigative interview, metacommunication, metarepresentation, pragmatics, quotation

1. Introduction: Metacommunication and Metarepresentation in Interviews of Suspects

Quoting of and commenting on suspects' statements are common features in police interviews that serve to highlight discrepancies between current and earlier statements made by the suspect or other speakers (e.g. witnesses, victims) or between them and forensic evidence. In some cases, suspects' responses to such contradictions may resolve the apparent conflict and possibly absolve them from suspicion and further investigation, but often they incriminate them further and lead to confessions and prosecution. Legal and forensic researchers have therefore studied the use of quotations and other forms of reported speech, including controversial "echo questions", in police interviews (Gibbons 2003: 111-112; Newbury and Johnson 2006; Oxburgh, Myklebust and Grant 2010: 53, 57) as well as their function in the wider forensic-judicial process, e.g. in trials (Cotterill 2004, Coulthard 2004; Matoesian 2000; Johnson 2008, 2013, 2014).

While considerable attention has thus been paid to the use of quotations from a legal viewpoint, detailed linguistic analyses appear to be thin on the ground, despite the fact that the relevance of linguistic pragmatic research for forensics has been recognised in principle (Poggi and Capone 2016, 2017). This may have to do with the fact that quotation theory was for a long time dominated by logico-semantic approaches and has only relatively recently become the object of pragmatics, and more specifically, "metapragmatics", i.e. the analysis of meta-communication (Arendholtz, Bublitz and Kirner-Ludwig 2015; Brendel, Steinbach and Meibauer 2011, Hübler and Bublitz 2007). Within the metapragmatic framework, quotations can be viewed as special cases of "metarepresentation", insofar as they constitute "*utterances* about *attributed utterances*" (Wilson 2000: 413): they metarepresent the quoted utterance, as part of another representation, i.e. the speaker's current utterance.

This multiple "meta"-terminological classification of quotation is indicative of a paradigm shift in its linguistic treatment: instead of highlighting its derived nature as derivative upon the original utterance, its function as a *move that interrupts the current 'online' communication and opens up a new level of social interaction/ communication* comes to the fore. Following Bublitz (2015: 4), we can characterise this move as an act of recontextualisation of an existing utterance

(U1) that draws the recipient's attention to its new version (U2) and the relationship between both. Such a 'quotation move' involves a disruption of the first-order ongoing discourse, which may go unnoticed by the communicants due to its embeddedness in the main ongoing interaction but still requires an analytically distinct level of pragmatic description and explanation. The present study discusses this second-order dimension of quotations with specific regard to police interviews on the basis of anonymised transcripts of suspect interviews by the Norfolk Constabulary that were made available as part of the TACIT (Translation and Communication in Training) project at the University of East Anglia.[1] The data are drawn from interviews of suspects with other languages than English as L1 and involved interpreters, which of course raises issues of interpreting and translation (Filipović and Hijazo-Gascón this volume). These aspects do not, however, feature here; instead we will focus on an exploratory investigation of how applying the concepts of metacommunication and metarepresentation to quotations in police interviews help to refine interviewing techniques in the context of interview outcomes (Walsh and Bull 2015): How can the metapragmatic analysis of quotations help interviewers solve interaction problems and optimise cognitive outcomes?

2. The importance of being quoted: cautions, quotations and metacommunicative argument loops

Every police interview of a suspect is characterised by a heightened degree of awareness and attention to quotations, due to the obligatory, routine caution about the legal consequences of any statements made by the suspect: "You do not have to say anything but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence" (College of Policing 2017; Gov.uk 2017a, b). Used at the

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[1] See TACIT 2018. For further details of the research project see the introduction to this volume.

start of an interview, it puts all parties that are present, i.e. the suspect, their legal representative, interpreter and the interviewing officer(s), on an alert for the legal and potentially life-changing consequences of the suspect's statements. In particular, the conditional construction, "it may harm your defence if you do not mention, when questioned, something which you later rely on in court", contains an explicit warning (which may also be perceived as a threat) that non-cooperation in the interview could have negative repercussions in the later court procedures. Effectively, it announces to suspects that their being unresponsive in the interview may be seen as suspicious during the trial.[2]

Moreover, the announcement that any statement made as part of an interview "may be given in evidence" in court highlights the fact that it is likely to resurface *as a quoted text*. The correctness of quotation as part of the interview record is thus an essential requirement of the interviewing process and the necessity to produce dependable quotations is a prime concern for all parties. The interviewees and their lawyers rely on quoted statements being consistent, credible and, ideally, exonerating them from guilt if it comes to a trial; the police depend on them a) to justify their own prosecuting and interviewing actions against the suspect and b) to support the further prosecution in court. All statements in an investigative interview are therefore characterised by the prospect of being quoted with significant legal and personal consequences for the speaker.

Such a heightened awareness about the importance of quotable details for the whole process of interviewing, charging and trying someone for a criminal offence is well illustrated in our first example from the TACIT corpus (see below). The suspect is a Lithuanian national who had been arrested on a previous day at a Norwich Supermarket for possession of forged credit cards and had since been charged and appeared in court on for alleged credit card fraud. To establish more

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[2] Research has shown that the police caution's explicit permission of silence during an interview is often viewed by courts as an "adoptive admission" (of guilt), i.e. it can in fact be to the disadvantage of the suspect; see e.g. Cotterill 2005: 10-21; Ainsworth 2012: 297-298; Rock 2012: 322-323.

details about how and when he met his suspected accomplices, the interviewers start asking him to provide information about his car journey from London to Norwich prior to meeting them. At first, the interviewee claims to have bought and insured the car in London: "I came in my own car", "I bought it in London", "I had insurance from the owner, in the name of the owner of the garage, and I had several days to change that and to obtain my own insurance".

However, when asked about details of the purchase and documents to prove them, he claims he cannot remember exactly where the garage was, who the previous owner was or how exactly the car was insured. When confronted with the information (retrieved from Police checks on the impounded car) that he is currently neither the registered owner nor the insurance policy holder of the car in question, he starts shifting his own account and claims never to have looked closely at the insurance documents and to have purchased them via the internet, whilst at the same time not remembering his own Hotmail web address. At this point the police and the suspect's solicitor who is present at the interview decide that the suspect needs further legal advice and interrupt the interview briefly. After a pause of 2 minutes, the lead interviewer recapitulates the state of play, starting off with an ironical introduction intimating a disinterested "discussion" but then quickly coming to the crux of the matter: "We were discussing the merits of insuring a motor vehicle in England, in Britain. Just 'cos you're from a different country, being ignorant to the fact that we do things maybe different over here, isn't an excuse. I will be making enquiries with the actual registered owner of that vehicle, I will be making enquiries with your Hotmail account, to see if at any time you have bought an insurance policy on there, and I will be searching that vehicle for the documentation in the glove box. Is there anything you want to say about that vehicle being yours or the way you've insured it?"

The interviewee is thus given one more chance to clarify the circumstances of the car purchase, in the knowledge that the police can and will check his statements against records and witnesses that are already or will soon be at their disposal. Over the following five minutes the following dialogue ensues:

Example 1:³

(1) Int[erpreter's version of suspect's statement]: As I mentioned, the car was supposed to be mine, and the car was supposed to be insured for a certain amount of time. But personally I never took an insurance out. Unless I can see the situation as such that he didn't write out the documents for me, or didn't send the documents out when I bought the car.

(2) D[etective] C[onstable] 1: So you're now saying that you haven't taken out insurance on this vehicle?

(3) Int: Personally I never insured the vehicle.

(4) DC1: How do you know the vehicle is insured for you?

(5) Int: I was told so.

(6) DC1: By whom?

(7) Int: When I was buying the car, that person told me so. The garage has got some sort of insurance that gives the person that buys the vehicle a chance to sort the insurance out.

(8) DC1: They're very strange, unbelievable answers you're giving me.

(9) Int: The last answers that I have given you are truthful.

(10) DC1: So what before you weren't being truthful?

(11) Int: What do you mean?

(12) DC1: Well if the answers you've just given me are truthful …

(13) Int: It was the same, but we just misunderstood each other, we weren't able to put the pieces together.

(14) DC1: That's rubbish, I was very clear in my questioning and with your understanding. It's only when your solicitor asked to have a further consultation with you, that you have now decided to say a different tack, shall we say. That's my opinion and we're gonna move on.

At the start of this passage, when the interview resumes after the suspect's legal consultation with his solicitor, he has realised that the car purchase in London, which previously may have

seemed to be a trivial prelude to the main charge (credit card fraud in Norwich), has become a suspicious matter in its own right in the eyes of the investigating officers. The suspect's hedged (translated) formulations in turn 1, e.g. "the car *was supposed to* be mine, and the car *was supposed* to be insured", indicate that he is aware that due to his failure to prove insurance and ownership, his previous claims seem implausible and might incriminate him further. He now tries to explain the fact that he has not got any insurance documents for the car with an alleged mishandling of the insurance documents by the London garage (turns 3, 5, 7).

However, even this re-explanation contradicts the information previously given. What follows is a metacommunicative struggle about the interpretation of this discrepancy. The police officer first only highlights the implausibility of the interviewee's latest answer, i.e. that he naively relied on information by the car seller (turn 8: "They're very strange, unbelievable answers…."), but then pounces on its contrast with the interviewee's previous assertions by asking suggestively in turn 10: "So what before *you weren't being truthful*?" and in turn 12: "Well *if the answers you've just given me are truthful* …".[4]

Having been put on the spot, the suspect tries to maintain that he is being consistent and that the discrepancy is a mere "misunderstanding" but the interviewing officer bluntly states that he has made up his mind; he concludes (turn 14) that the suspect's interpretation of the inconsistency as a misunderstanding was "rubbish" and that he has only changed his "tack" after having been made aware of the legal consequences of his previous statements. The investigating officer thus uses his position of legal and socio-communicative power (Gibbons 2003: 74-76, 95-108) to

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[3] Here and in the following examples only the numbering of "conversational turns" (Coulthard 1977: 52-62) has been added; everything else is as in the original TACIT transcripts.

[4] The omission of punctuation and syntactic ellipsis (e.g. omission of the rest of the prepositional construction that starts with "before") in the transcript makes a detailed discourse analysis even of the translated text difficult. In the context, "so" and "well" seem function as discourse markers (Schiffrin 2001); with the former indicating a suggested (negative!) inference that is put to the interviewee, and the latter signalling a doubting stance by the interviewer, followed by an elliptical conditional that the interviewee is again invited to agree with. In both cases the conversational implicature (Grice 1989) intended by the investigating officer is that the interviewee's truth-claim in turn 9, "The last answers that I have given you are truthful", has falsified his previous statements.

close down the discussion about the car's insurance status and establish his own version as the dominant one: "That's my opinion and we're gonna move on".

The investigator's abrupt order to "move on" is partly explainable by time pressure: he aims to get as quickly as possible to the details of main criminal issue on his interview agenda, i.e. the suspect's alleged credit card fraud in Norwich as part of an organised gang. But by the time the officer concludes the insurance discussion, 31.05 minutes of the interview had already been spent and, the suspect hasn't even left London in his narrative! Given that there is a pressure on the interviewers to cover as much of the criminally relevant content matter in a limited space of time, it could be seen as astonishing that they allow so much time for the debate about the car purchase details. However, in a sense they have no choice: once the discrepancy between the suspect's previous claim of his own car ownership and the later statement become evident, both sides have to declare which version they want to maintain for the record. This requires them to leave the ongoing narrative and enter a metacommunicative negotiation about truthfulness.

During this negotiation the suspect attempts to play down the discrepancy in order to maintain a semblance of credibility, whereas the officer highlights it, explores it and disqualifies it as a self-contradiction by the interviewee. The final disqualification makes it explicit that the police interviewer sees the suspect as a highly suspect and unreliable participant in the interview who is cunning enough to change his storyline ("tack") whenever he becomes aware of legal pitfalls. By engaging in such metacommunicative evaluation the interviewer goes beyond just eliciting the interviewee's version of events and instead gives an indication of his own views on the subject matter, his negative attitude towards the interviewee and his power to steer the interview at a pace that he determines. However, it seems questionable whether this explicit evaluation and power-assertion is helpful in taking the interview forward in terms of an optimal cognitive, informative outcome. It succeeds in "moving on" the interview and clearly establishes the conversational 'frontlines', so to speak, but in doing so also impacts on the interactional and interpersonal levels by imposing on the interview a distinctly adversarial, even confrontational

character. In terms of other pragmatic dimensions explored in this volume, such as rapport and face (see Pounds and de Pablos-Ortega, this volume), the officer's explicit disqualification of the suspect's answer largely undermines the possibility of cooperative communication between the investigators, indicating that the suspect's "different tack" answers are not likely to be believed. Following on from the discussion about the car insurance, the interview participants quickly hit a new stumbling point, despite the officer's impatience and the suspect's seeming compliance in wrapping up his account: "We [i.e., he and another Lithuanian man] met in London, I was offered to make some money by getting some gift cards and then just food. After we met 2 days later, we got into a car, came here to this so-called Norwich, I was given that card, I went to the shop and that's it. We're now at the end" (time: 37.36 minutes of the interview).

This quickly told story is evidently too sketchy to satisfy the interviewers and the suspect can hardly have expected to reach "the end" of it that quickly. In fact, almost half hour is spent on when exactly he met his accomplice in Stratford on the way from London to Norwich. At first he answers the respective question with the vague statement "Midday-ish". About five minutes later, after a "recap" by the police interviewer, he changes the timing: "Maybe not midday, but around that time. I can't say the exact time when we got into Norfolk." This is the moment when a further metacommunicative exchange brings proceedings again to a halt. Instead of simply noting the changed information, the interviewer first 'corrects' the suspect's statement and then presses him on the precise time:

Example 2:

    (1)   DC1: I'm not asking you what time you got into Norfolk. I'm asking what time you picked him up.

    (2)   Int.: Roughly 10.

    (3)   DC1: 10 o'clock now, so why did you….

    (4)   Int. Maybe I exaggerated with the midday, but it was around 10.

(5)   DC1: It's not about exaggerating, it's about answering a simple question, something you have a great trouble in doing at the moment.

(6)   Int: What do you mean I struggle to answer simple questions?

(7)   DC2: It would be easier if you told us the truth right from the start, rather than us going round to find it out, always changing.

(8)   Int: God I don't know, I'm not going in circles, every time you try tell the truth no-one believes you, people just believe lies.

(9)   DC2: You keep telling us different things, what do we believe?

(10)   Int: What do you mean by different things?

(11)   DC2: You told us midday, then it's 10 o'clock, tell us …

(12)   Int: I just said word midday without thinking, 10, 11, I mean midday by just then.

(13)   DC2: So what time did you leave?

(14)   Int: 10 o'clock, let's say 10 o'clock.

(15)   DC1: No, let's not just say 10 o'clock, let's ask what time you left.

(16)   Int: 10 o'clock.

The discussion about the Stratford leaving time that moves from "midday-ish" to "10 o'clock" takes ten minutes, during which one interviewer (DC1) engages in sarcastic comments ("it's about *answering a simple question, something you have a great trouble in doing at the moment*") and mimicking the interviewees formulations ("let's not *just say 10 o'clock…*"). Given that the interviewee has voluntarily offered a correction of his previous statement ("*Maybe not midday, but around that time*") after the "recap", it seems an exaggeration to accuse him of "*always* changing" his information when "*found out*". This condemnation confirms the interviewer's earlier interpretative stance of "rubbishing" the suspect's statements but in fact does not match the suspect's actual communicative behaviour on this occasion. The implausibility of his first time reference is easy to spot: if he was arrested in Norwich in mid-afternoon on the day of the car journey after some criminal activity having already taken place, it stands to reason that he left earlier than midday from Stratford. Crucially, however, it is the suspect himself who realises this mistake during the recap and openly provides more correct information and an apologetic

explanation (turn 4). For his efforts, he is rebuked and his self-correction is construed by the second interviewer as yet another discrepancy that exemplifies his unreliability (turns 7 and 9: "It would be easier *if you told us the truth right from the start…*", "*You keep telling us different things …*").

In the remainder of the interview it becomes evident that the suspect's vagueness about timings is at least partly due to the fact that he did not have a watch on him. In addition, the investigating officers gradually disclose that they have a reliable record of the car's journey and stops between London and Norwich from the car's Sat Nav and from CCTV footage that shows the interviewee and his accomplice at a petrol station, a lay-by and in and around the respective Norwich supermarket. Arguably, therefore, eliciting precise confirmation of timings for every stop on the journey from the suspect, although of course important in principle, was neither a top priority for securing evidence nor practically feasible. Thus, DC1's exasperated challenge in turn 15, "No, *let's not just say 10 o'clock, let's ask what time you left*", produces no extra or more precise information, but instead a repetition of the pertinently imprecise "10 o'clock" indication (turn 16). With time pressure mounting, the interviewers then have no choice but to accept this and to press on, for another 40 minutes, during which their interviewee complains several times that he is "struggling to put the exact time to places and things that I have done, because you're pressuring me on telling you the exact times and I really don't know any exact times", which DC1 finally concedes: "We're not asking exact times, […]".

When trying, in a further interview on the following day, to resume reconstructing the suspect's narrative from the point when he "went to the toilet at a lay-by" before entering Norwich, i.e. for the crucial time when he presumably started to commit offences, the investigators run into a wall of 131 unchanging "no comment" responses to their questions, which last for 50 minutes, according to the respective transcript. The recorded questions show that this part of the interview was meant to elicit substantial information not just about the suspect's and his accomplice's criminal exploits in Norwich supermarkets but also about the coordinated activities of a gang of

credit card-thieves and fraudsters operating across East Anglia and reaching into the Midlands. The officers suggest that the suspect may have been or is still "under duress" from or "afraid of" a suspected gang-leader in London but they elicit no information. Any rapport that may have existed between them and the suspect aft the start of the interview has evidently broken down. Of course, the suspect's barrage of "no comment" comments in the second interview leaves only room for speculation in the analysis but it stands in stark contrast to his outwardly deferential, apologetic and partly cooperative behaviour in the preceding interview, from which examples 1 and 2 were taken. Whilst in that interview the officers, legal counsellor and the suspect plus the interpreter spent an exhausting 95 minutes establishing that the interviewee's memory of some details (car insurance documents, travel time between Stratford-Norwich) was unreliable, they appear to be failing in the subsequent interview to establish any substantial evidence concerning the large-scale criminal activity that he seemed to be involved in.

This conclusion is not meant to criticise the interviewers' focus on exact information-building but it shows the dangers of the interview interaction getting caught up in a metacommunicative 'loop' of interviewers and interviewees arguing about discrepancies in the latter's statements. While metacommunication is pervasive in naturally occurring dialogic communication, including police interviews, engaging in a protracted a loop can quickly lead to a dispute about differences in the other side's interpretations at the expense of gathering reliable evidence. The metacommunicative loop evidenced in examples 1 and 2 has four stages:

  i)   a 'preceding' statement by the interviewee,

  ii) the realisation (by one or several of the interview parties) that it conflicts with a 'current' statement,

  iii) the interviewers' highlighting of this discrepancy on the basis of metarepresentations (e.g. quotations or indirect renderings of the suspects' reported speech), and

  iv) their explicit evaluation of the discrepancy as evidence of deceitful moves on the part of the interviewee.

Depending on the suspect's general attitude towards the officers' questioning strategy, he may show compliant or resistant behaviour subsequent to stage iv, but this is a variable of their social power relationship, i.e. not a reliable indicator of truthfulness or evidential reliability. Crucially, without element (iv), the metacommunicative loop need not deteriorate into a dispute. If a discrepancy between different statements is simply noted or, even if highlighted, is treated at face value as an 'innocent' mistake (attributable to vagueness, failing memory, confusion …), the interviewers can give the suspect a chance to provide further information without significant loss of face in the interview situation. The avoidance of such face loss is crucial for maintain the rapport (Walsh and Bull 2012, and Pounds in this volume). The forensic and legal evaluation of the mismatch between individual responses can be left for a later stage of the investigation and, possibly, for further probing and prosecution in the trial.

3. The importance of being earnestly allowed to reinterpret one's own quotes

Our next example is an illustration of avoiding a deteriorating metacommunicative loop. Again, we have a highly cautious suspect, who in two initial interviews uses the excuse of supposedly vague and non-existent memory (due to alcohol consumption) and "no comment" answers, to defend himself against a charge of having committed robbery and rape. After heavy drinking in a Norwich nightclub, he claims to have been driven home in a friend's car and to have barely noticed that they were joined by a prostitute, i.e. the victim of the alleged crimes. Already in the first interviews he is confronted with victim and witness statements that implicate him in the collective rape of the prostitute and the theft of her money and jewellery. At the start of the third interview (on the day after the two initial ones) he is again confronted with the stark discrepancy of these testimonies with his own claim "that [..] he had been out with friends […] and they had gone to a nightclub, got into a car and gone straight home". According to the interview transcript,

"when asked if this was correct, the suspect stated that it was half of the truth but confirmed this was what he said in the previous interview".

At this point, the interview has reached stage iii) of the metacommunicative negotiation where the investigating officers have to choose between dwelling on the apparent discrepancy or pursuing the unknown "half" of the truth. The following dialogue ensues:

Example 3:

> (1) DC1: Is [*sic*] that account still stand?
> (2) Int.: Yes but on the way we picked up that prostitute but they don't know whereabouts and when, I was so drunk, laying on the back seat in the car, I don't know anything. She did that, we paid money and that's all.
> (3) DC1: She did that, we paid money, then what happened?
> (4) Int.: And that's all.
> (5) DC1: How did she leave?
> (6) Int.: Where?
> (7) DC1: When did you last see her?
> (8) Int.: On that night.

As the suspect's last answers (turns 4, 6, 8) demonstrate, he tries to stall the interrogation by 'not remembering' any details of the events beyond "picking up a prostitute" and getting a "blow-job" from her. However, instead of dwelling on his lack of cooperation or on the contrast between his new answer and his statements on the previous day, the interviewers take him back to the events even before the meeting with the prostitute, i.e. the drinking bout at the nightclub. They question him on every detail, e.g. about how much he had to drink, of what beverage, who he met with, how long they were at the club etc. Time references are of course just as important for them as for their colleagues in the credit cards fraud case but when they encounter resistance they offer the interviewee a chance to correct himself instead of 'closing him down':

Example 4:

> (1) DC1: In your first interview you said you thought it was 4 am that you left the
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> nightclub. Is that right?
>
> (2) Int.: Can be, I don't know.
>
> (3) DC1: Roughly that time?
>
> (4) Int.: Three or four.

Gradually, over 92 minutes, they manage to bring him to 'vaguely' corroborate all the alleged events of the evening up to and including an alleged offer of intercourse by the prostitute and to explicitly deny rape and robbery. Most of the interviewee's answers are heavily hedged (repeated use of subjunctives (*could be, that would be possible*), of adverbs like *probably, maybe*, which put epistemic certainty in question, of assertions that "he did not know" or "could not remember" details) and of attempts at feigning non-comprehension of English language questions.[5] These attempts at obstruction are both highly transparent and implausible, as one interviewer observes: "You're actually answering some of our questions before the interpreter is putting them to you through". Despite his obstructionism, however, the suspect is given space to tell the whole story as he wishes to present it, whilst in fact severely damaging his own credibility through a series of piecemeal admissions, some of which contradict what he had said only a few moments earlier. In parts of the interview, the apparently lenient interviewing strategy leads to bizarre inconsistencies. In one exchange the interviewing officer even apologizes, "That's fine, I've misunderstood that, I'm sorry", pretending as he does to have confused the alleged rape (which the suspect denies) with the "blow-job" (which he has admitted to and located at a particular time and place before the offered intercourse/rape episode). The officer gives the suspect a chance to

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[5] For the multiple challenges resulting from such uncooperativeness see Filipović's analysis of a further part of this interview (example 7 in Filipović 2018b, this volume).

once more play innocent by supposedly having asked the prostitute on that occasion, "What are you doing?" and then to have "moved away" from her. However, through this assertion the suspect has trapped himself, as the officer can confront him with evidence of "condom found with your semen and cells from the victim" as well as "the victim's handbag and her driving licence", all of which were found at a different location on the road. At that point it becomes obvious that the rape and theft must have occurred at a different location and at a later time than the "blow-job" stop, which exposes the suspect's claim to have not been involved at all after the "blow-job" as a lie. In the absence of any data on his further prosecution and the trial verdict, the impact of this interview cannot be fully determined but we can conclude that its outcome was highly revelatory in respect of the overall assessment of the suspect's low credibility.

4. Conclusions

The above analyses have only exploratory character but show the urgent need to investigate systematically the role of quotations in police interviews, especially those of suspects, due to the crucial role they play in establishing the reliability of statements. Whenever a current statement appears to be inconsistent with a preceding one, the latter has to be quoted or alluded to and negotiated between interviewee and interviewers with a view to establishing their inherent truth-claims. Such metacommunicative discussions can occur in all phases of the Cognitive ("PEACE") Interview process that have been identified in research and ensuing guidelines (Dando, Wilcock and Milne 2009, Walsh and Bull 2015) but they matter most clearly for its *Evaluation* aspect and the overall assessment of a suspect as a "truth teller or liar" (Vredeveldt et al. 2014). However, the metacommunicative discussion also has the potential to disrupt and even stop an interview's progress and diminish its cognitive results. This is the case when it deteriorates into an argument about apportioning blame for inconsistencies. In highlighting any inconsistency, interviewers put pressure on the interviewee to explain the discrepancy and

threaten his face wants. They threaten both his "involvement" face as someone who is entitled to maintain his innocence as well as his "independence" face as a conversation/interaction partner who is free to say what he likes.[6] Being under caution, the suspect is compelled to defend both face aspects at the same time, i.e. produce an explanation that resolves the inconsistency and also lifts the implicit suspicion that he has been untruthful.

Such massive "face-threatening acts" (FTAs) normally requires a high degree of "minimization" (Brown and Levinson 1978: 65-71, 95), but are unavoidable and require constant mitigation in investigative interviews. This conclusion ties in with Pablos-Ortega's findings (this volume) that the great majority of "supportive moves" in police questionings are "mitigators" (72%) and that face-threatening "aggravation" accounts for less than a third (28%), with explicit disagreements and threats together making up less than a quarter (23%) of the latter, thus constituting a small sub-group. Their rare occurrence is explained by the fact that they tend to exacerbate the face-threat for the interviewee and the suspicion of dishonesty against him, which are already inherent in the interview situation itself. If, in addition, the suspect is aggressively challenged regarding an inconsistency between his statements, he has almost no other choice than to go for all or nothing, so to speak, i.e. either confess – or defend all his previous responses as being truthful so that at least his "independence face" is maintained. The easiest way of achieving complete consistency may then be just to revert to the "no comment" strategy, which is of course the least satisfactory outcome from the interviewers' perspective. Even if the interviewee does not become wholly uncooperative, a confrontational metacommunicative loop distracts him and the interviewers from building up a coherent narrative account including the factual evidence that he is supposed to provide. It may also inadvertently give him an impression that whatever he says is

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[6] For the classification of *involvement/independence face* see Scollon, Scollon and Jones (2012: 48-51), which builds on the earlier distinction of *positive/negative face* by Brown and Levinson (1978: 62-64).

deemed untrue, or as the suspect in example (2) puts it: "every time you try tell the truth no-one believes you".

In practical terms, it seems that a precondition to avoid this danger is the interviewers' awareness of the metacommunicative function of interventions that challenge an interviewee's statements on account of a discrepancy with preceding statements. Of course, the interviewers cannot simply accept the interviewee's statements at face value, i.e. pretend that they were consistent when they are not; if a discrepancy becomes evident, they have no choice but to ask for an explanation. This should happen in any case in a non-threatening way but the interviewers must be prepared to be confronted by an 'explanation' that again is implausible or vague and nevertheless to refrain from evaluating this immediately as a sign of deliberate non-cooperation by the interviewee.

It is here where the interviewing styles in our examples differ most: in the first two excerpts, the officers are evidently not satisfied with the explanations given by the suspect ('confusion about car insurance', 'misjudged timing') and convey their mistrust towards him openly. They thus not only endanger their rapport with him on an interactional basis but also give him no incentive to cooperate further by confirming his conviction that whatever he says will be disbelieved. In the third and fourth excerpts, on the other hand, the interviewers use the suspect's own attempts to make a minimal adjustment when caught in a discrepancy as a platform for uncovering further factual details. They can thus escape a metacommunicative loop and resume evidence-building, and they repeat this move every time the suspect tries to stall. In this way, they manage to lead him into confirming most of his supposedly non-remembered story, so that he corroborates other witnesses' and further forensic evidence, which is gradually disclosed to him. By leaving him to 'own' his changing story throughout the interview, the interviewers gather a maximum of factual evidence, which can later be used for prosecution. At the *social-interactional* level the suspect is not challenged in his 'right' to refuse confessing, to claim a blurred memory and to make vague, imprecise and uncertain statements, i.e. to maintain his both involvement and independence face. However, at the *cognitive-informative* level he still provides the evidence that the interviewers

wish to elicit. Such an outcome seems to be preferable to the attempt to enforce a clear-cut and comprehensive explanation of each informative discrepancy, which can lead to a 'stonewalling' strategy that is consistent at the expense of being uninformative.

These explorative findings suggest that an awareness of the dangers of a metacommunicative loop, and thus of the role of highlighting and arguing about contradictory quotations during a suspect interview, could be of benefit to police officers who are facing the task of eliciting evidence from interviewees who even when they are principally compliant are likely to be stressed, sensitive to the danger of inadvertently incriminating themselves and trying to maintain their social face in a challenging environment. This awareness can help interviewers to gain a distance from the interactional-emotional level of struggling with a 'difficult' interviewee and instead to monitor and assess any cognitive inconsistencies so that they can be integrated into the Evaluation stage of the cognitive interview. Specifically, they may help fine-tuning interviewing skills to handle both first- and second-order levels of communication with an interviewee and to avoid clashes that end in 'argument loops' which provide no new information and can lead to an interviewee 'clamming up'.

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