

When police treat straightforward answers as uncooperative

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Received 12 October 2016; received in revised form 10 April 2017; accepted 31 May 2017

Available online 6 July 2017



Abstract

In formal police interviews, interviewers may have institutionally mandated reasons for following up even apparently fully co-operative answers with questions that imply that the interviewee is in fact (knowingly or unknowingly) being uncooperative. From a sample of over 100 UK interviews with suspects arrested for minor offences, and 19 interviews with witnesses alleging sexual assault, we identify and analyse follow-up questions which do not presume that interviewees' apparently 'normal' answers respect the Gricean maxims of quantity, quality, relevance or manner. We identify three institutional motivations working to over-ride the normal communicative contract: to 'get the facts straight'; to prepare for later challenges; and pursue a description of events that more evidently categorises the alleged perpetrators' behaviour as criminal.

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Keywords: Police interviews; Suspects; Witnesses; Cooperative principle; Institutional talk

Are answers to questions usually assumed to be co-operative? Certainly Grice's familiar principle ("make your conversational contribution such as is required . . . by the accepted purpose or direction of the talk", Grice, 1989, p. 26) seems to be generally assumed to be operative in everyday conversation. But rules for everyday conversational engagement are adapted when institutional frames (the court, the confessional, the surgical theatre, etc.) are in play. This article is about the adaptations visible in one particular institution, the formal police interview.

There are many ways of conceiving of how institutions alter everyday norms. Drew and Heritage (1992) give us a useful set of dimensions on which to distinguish everyday from institutional talk: the latter will have some predictable, known-to-participants objective; it will impose differential rights on what turns to take, and when to take them, on those involved; and it will require or constrain certain kinds of inferences that participants can make about each others' conduct. Our interest in this article is in those inferences, and, following Houtkoop-Steenstra (2000, chapter 4), how the assumption of cooperation fares under a certain combination of institutional objective and institutional constraint. Specifically, we shall be examining how the police interview allows (or indeed requires) the suspension of the Gricean presumption of co-operation (Grice, 1975/1989) between interlocutors.

It is certainly not every institutional encounter that will set Gricean maxims to one side; the social cost of doubting one's interlocutor's co-operativeness is a high one to bear. But there will be some institutions which are willing to pay the price; or, to put it more analytically, there will be some institutional contexts whose inferential *schemata* (as Levinson, 1992, p. 72

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calls them) will require the interviewer to apply a less co-operative and more sceptical standard to what their interlocutors say.

The institutions that seem likely candidates for such scepticism are those in which its representatives are mandated, by some higher authority, to pursue versions of events that may not be in the interlocutor's best interests to reveal, and which the interlocutor may be motivated to disguise by apparent (but misleading) co-operation. It's possible that scepticism may occasionally rear its head even in apparently non-adversarial encounters (e.g., a doctor might doubt the veracity of a patient's reports of their drinking or smoking, or a teacher might disbelieve a pupil's account for not doing their homework). A more promising environment might be the more aggressive brand of news interviewing (for which see, for example, [Clayman et al., 2006](#), on the erosion of deference in the White House press corps' questions over the years). Legal dispute in general may well be a felicitous environment for suspension of conversational cooperation (as argued, for example, by the legal scholar Andrei Marmor, e.g., [Marmor, 2009](#), esp. chapter 5). But we have our eye on one institutional setting, the police interview, where there is a legal inferential framework that makes scepticism a sharply and standardly mandated obligation. In this report, we detail how a police interviewer might question even ostensibly co-operative responses, and follow them up to seek out the most forensically complete version of events, whether in their interviewee's favour or not.

The reason for choosing police interview is that the institutional demands of the interviewers' role are clear – and have an intriguing internal conflict. The institutional obligations are formally set out in the Police and Criminal Evidence Act (1984), usually referred to as *PACE*. How, though, to put this into practice? *PACE* is a legal statute, not designed for practical application, so working officers will turn to the College of Policing's documentation (here referred to for convenience as CoP) of authorised professional practices ([College of Policing, n.d.](#)) which sets standards of practical police work in England and Wales. That document gives extensive guidelines and detailed recommendations on interviewing, which expand on the drier legal statute *PACE*. The recommendations cover a great deal of ground, but there is a conflict at the heart of what they oblige the officer to do. These two extracts from *CoP* illustrate what we mean:

“Style matters because it affects the motivation of the interviewee to be accurate and relevant in their replies. Establishing a rapport means being **genuinely open, interested and approachable**, as well as being interested in the interviewee's feelings or welfare.” (*College of Policing*, section 1; emphasis added).

Even though the ostensible differences between the interests of a witness and a suspect (one neutral, one defensive) might suggest divergent treatment by the interviewing officer, in fact the guidelines overlap: the strictures on rapport and truth-seeking apply to both:

“The aim of investigative interviewing is to obtain accurate and reliable accounts from **victims, witnesses or suspects** about matters under police investigation.

To be accurate, information should be as complete as possible without any omissions or distortion.

To be reliable, the information must have been given **truthfully** and be able to withstand further scrutiny, e.g., in court.” (*College of Policing*, Principle 1; emphasis added).

Establishing rapport would normally involve assuming your interlocutor was playing to the same standards of co-operation as you were; but the officer is enjoined to make sure that what the interlocutor says is complete, accurate and truthful, which implies that the officer will, at least sometimes, make the contrary assumption.

The difference from everyday interlocutors' terms of engagement is signalled early on in the interviews, as the following typical exchange shows:

Example 1 PN-65¹

01→ P01: F'the benefit of the tape can you please um:: say
 02→ your full name an' date o'birth for me please.
 03 (0.4)
 04 SUS: Wayne Tom Barker: twenty-first of the first eighty:

¹ All names and other identifiers have been changed in the data shown in this article.

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