

How I Got Started as a Forensic Linguist

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I don't really know if I can call myself a regular forensic linguist, at least not in the sense that my research is aimed at applying my knowledge for solving problems of legal practice. It is more accurate to describe myself as someone who just happens to have drifted into the forensic linguistic world.

Let me explain. I studied English and Sociology, and then I worked at the departments of English, General Linguistics, Criminology, Law, Language and Communication, and the NSCR research centre. These jobs were a result of chance encounters, temporary contracts, reorganisations and unexpected opportunities. It is my research that took care of the consistency in my academic life. In the course of my studies I became interested in the interrelations between language and society and, more specifically, in the details of talk and interaction in institutional settings. My PhD research dealt with job interviews.

I became intrigued by the operation of this kind of 'people-sorting institution', because the applicants were treated at the same time as the best and the worst source of information. The best because they obviously had first-hand knowledge about their activities and motives, the worst because they had a stake in the outcome. So, after my PhD research was completed, I wanted to study the criminal trial. In the criminal process the stakes are higher and the power differences greater. And where else do interviewers start the interview by telling the interviewees that they don't have to answer questions?

After a long and tedious period of entry negotiations, I collected audio recordings of criminal trials, and transcribed and analysed them. Let me first give you some background. In the inquisitorial criminal law system of the Netherlands, trial judges question the suspect (who is called 'suspect' throughout the criminal process) about the case, with the help of the reports in the case file. The reports of police interrogations are required by law to be written "as much as possible in the suspect's own words". In the course of their questioning judges routinely confront suspects with their earlier statements to the police. They would say to the suspect: "you said to the police ..." and then read to them the weirdest sentences from the police report. Let me give an example from my courtroom recordings:

Judge: You said to the police “You tell me that I am guilty of factual indecent assault. That is correct. There, in that place.”

I was confused when I heard this. What was going on? Didn't the police officer who wrote this down know that people do not talk like this, and that it is obvious that these are not “the suspect's own words”? And why is the suspect presented as giving voice to both sides of the interaction with the police officer? And does it make any sense to transform the monologue into a dialogue? Then the interaction between the police officer (P) and the suspect (S) would be like this:

P: You are guilty of factual indecent assault.

S: That is correct. There, in that place.

It is hard to believe that this is what was actually said in the interrogation. A little later, I read an article in the newspaper about a rape trial. A man and a woman had met in a cafe and went home separately. Later in the evening the man knocked on the woman's door and had a bottle of wine in his hands. She let him in, they drank the wine and, according to the woman the man raped her, and according to the man they had consensual sex. In court, the judge read aloud how the woman, according to the police report, described the man:

He was tall and well built, and had a tan as if he had been sunbathing a lot.

The suspect's lawyer commented:

It is inconceivable that a woman who has just been raped and lies on the bed crying, would look at her rapist in this way.

I do not know whether this played a part in the judges' considerations, but the suspect was acquitted. Of course, the lawyer was right. No woman would describe her rapist like this. But was he also right in taking the text of the police report at face value? And, as in that period the interrogations were reported in a monologue form, did the words of the police officers not count?

These episodes made me curious to find out what actually happens in police interrogating rooms. So, after my courtroom research was completed, I went to the police officer on the beat in the area where I live in Amsterdam, and asked him if I might observe his interrogations. He and some of his colleagues were very cooperative and, after a while, they also let me record the interrogations. Then I learned that there were problems at the police station, and that the police detectives' superiors did not know what I was doing there. So, I decided to take the official route and, after a long and tedious period of entry negotiations, I got permission from the top of the police and prosecutor organisations to record police interrogations and collect the corresponding reports.

In the course of this project I discovered to what extent and in what manner police interrogators dominate the talk and the text of the written report. The following sentences from a police report are a simple example:

Then I walked out of the store without paying.

Outside I was stopped by two security men.

Contrary to what this monologue would suggest, these sentences were written down in the course of a number of question-answer exchanges. The police officer took care of most of the talk, while the suspect's answers amounted to: Yes... Yes... Outside... Yes...

Two... Two men. The monologue form made it impossible to see that most of what seemed to be “the suspect’s own words” were in fact those of the police detective.

Now let’s get back to the example from the rape trial. I came to realise the obvious: the woman did not think about what the man looked like when she was crying on the bed, but when she was interviewed by the police. And she must have told the details in answer to questions by the police officer. So, it might have gone something like this¹:

P: Can you describe what the man looked like, was he short, or tall,

W: Tall

P types: He was tall

P: Okay. And was he thin or fat?

W: Uh neither.

P: Well built?

W: Hm.

P types: and well built

P: Okay. And what was his skin colour?

W: Brown.

P: Do you mean that he was from Surinam?

W: No, from the sun.

P: You mean as if he had been sunbathing a lot?

W: Yes.

P: Okay.

P types: and had a tan as if he had been sunbathing a lot.

This is guesswork of course, because I don’t know what really went on in this police interrogation. Neither did the suspect’s lawyer or the judge, but they did not take into account that the monologue that was written down was elicited in interaction with the police detective, and that it was probable that at least some of the words in these sentences came from the police officer, not from the witness.

When I thought I had studied police interrogations sufficiently to understand what was going on there, I still felt something was missing. I had first analysed trials and then I had analysed police interrogations, but that was the wrong order. I should have analysed police interrogations first and then the trials of the same cases, in order to see not only how police reports of suspect interrogations were drawn up, but also how these reports were read, understood and quoted in court. So, after a long and tedious period of entry negotiations, new materials were collected: audio recordings of police interrogations and video recordings of some of the trials of the same cases.

In spite of the cooperative attitude of many of the police officers that participated in the research, they were reluctant to let us record interrogations for serious crimes. The materials that were collected covered ‘ordinary’ street crimes, such as robbery, theft or drugs dealing. So, it was not surprising that I did not come across the kind of miscarriages of justice that are publicised in the media. I did not mind, because that was not my primary research motivation. What I wanted was to study what happens with the suspect’s statement in the routine, run of the mill dispatch of criminal cases. This allowed me to discover the vulnerabilities of a criminal law system that relies so heavily on the construction and use of written documents (Komter, 2019).

At the moment steps are taken to digitise criminal case files in the Netherlands. Police interrogations for the more serious crimes are audio or video recorded, and they

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are developing speech recognition software for automising transcriptions of police interrogations. This opens up a complete new field of possible problems. How accurate are these transcriptions? What must be done to transform these mountains of data into manageable portions? And what will be the status of these transcriptions in relation to the original recordings? These might be the challenges for future generations of forensic linguists.

Notes

¹This is the typical question-answer-typing format of these interrogations.

References

Komter, M. (2019). *The suspect's statement. Talk and text in the criminal process*. Cambridge: Cambridge University Press.