

‘Basically, I’m gonna ask you a load of questions’: Cautioning exchanges in police interviews with adolescent suspects

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Abstract. *The police caution in England and Wales is a compulsory element of every police interview that informs suspects of their right to silence and outlines the concept of adverse inference. This research draws on authentic data from interviews with 17- and 18-year-old suspects from two English police forces, analysing how the cautioning exchanges are negotiated while considering suspects’ ages and legal statuses as children and adults, respectively. Taking an inductive approach rooted in conversation analysis, the findings reveal an overall tendency for interviewers to explain the caution directly after reciting it, thereby acting on a presumption of suspects’ non-comprehension. It is also considered how the (discursive) presence of appropriate adults in interviews with juveniles can complicate the interactions. The study sheds light on the experiences of an under-researched group of interviewees and discusses the implications of these findings on police practice and vulnerable persons’ access to justice.*

Keywords: *Police Caution, Adolescent Suspects, Vulnerability, Comprehension Checking, Conversation Analysis.*

Resumo. *A advertência policial na Inglaterra e no País de Gales é um elemento obrigatório de todas as entrevistas policiais que informa os suspeitos sobre seu direito ao silêncio e descreve o conceito de inferência adversa. Esta pesquisa baseia-se em dados de entrevistas policiais com suspeitos de 17 e 18 anos de duas forças policiais inglesas, e analisa como as advertências são negociadas considerando as idades e os status legais dos suspeitos como crianças e adultos, respectivamente. Adotando uma abordagem indutiva enraizada na análise da conversa, os resultados revelam uma tendência geral para os entrevistadores explicarem a advertência logo após recitá-la, agindo assim com base na presunção de incompreensão dos suspeitos. O artigo considera também como a presença (discursiva) de adultos apropriados (e.g. responsáveis legais) nessas entrevistas policiais com jovens pode complicar as interações. O estudo ilumina*

as experiências de um grupo de suspeitos entrevistados pouco pesquisado e discute as implicações dessas descobertas na prática policial e no acesso de pessoas vulneráveis à justiça.

Palavras-chave: Advertência Policial, Suspeitos Adolescentes, Vulnerabilidade, Checagem de Compreensão, Análise da Conversa.

Introduction

In England and Wales (E&W), the caution is a crucial part of any police interview, and its mandatory recital is stipulated by Code E, s.3.6 of the Police and Criminal Evidence Act 1984 (PACE). Due to the legal significance of this notification explaining to detainees their rights, the caution and its international counterparts have attracted academic research, especially regarding their comprehensibility and comprehension (Rock 2007; Shuy 1997; Innes and Erlam 2018; Ainsworth 2012; Heydon 2007). The preponderance of this research focuses on interactions with adult, non-vulnerable interviewees; this paper contributes to the scholarship by offering novel insights on an underrepresented group, namely, 17- and 18-year-old suspects. These suspects belong to the legal categories of 'children' and 'adults', respectively, immediately on either side of E&W's statutory age divide. Using a data-driven approach rooted in Conversation Analysis (CA), complemented by basic descriptive statistics, 19 authentic police interviews from two police forces in England are examined to explore whether there are discernible patterns regarding the suspects' age groups and the different police forces that the interviews were conducted at, and how the cautioning exchanges play out in interviews with adolescent suspects. The findings from these analyses are critically interpreted and embedded in the broader contexts of vulnerability, youth justice, and professional practice.

Context

PACE and PEACE

The police interview as a communicative event must be considered in its legal context: suspects are interviewed after arrest and prior to a (potential) charge, and the record of the interview – typically a largely verbatim transcript of the interaction produced by police typists – constitutes a crucial piece of evidence in the investigation and subsequent legal proceedings (Haworth 2018, 2021). The overall goal of a police interview in E&W today is to obtain useful information from the interviewee; however, up until the 1980s constabularies in E&W were using largely unregulated, confession-seeking interrogation practices. The changes of the past 40 years are discussed in detail elsewhere (Shawyer *et al.* 2013; Milne and Bull 1999); important for this research is the introduction of PACE 1984. The Act and its accompanying Codes of Practice stipulated – amongst many other issues surrounding the treatment of detained persons – the mandatory audio recording of all police interviews (s.60 PACE) and formalised the wording of the caution to inform suspects of their right to silence (Code C, s.10.5 PACE). Incidentally, constabularies in E&W started producing invaluable data for researchers from various disciplines who could examine contemporaneous interviewing practices. This revealed the apparent absence of a standardised practice and lack of formalised training, as a result of which the Association of Chief Police Officers developed the PEACE framework of investigative interviewing (Central Planning and Training Unit 1992; Milne and Bull 1999). PEACE is a mnemonic of the five interview stages, namely:

1. Planning and preparation;
2. Engage and explain;
3. Account, clarification, and challenge;
4. Closure;
5. Evaluation.

The PEACE model presents a clear departure from confession-seeking interrogation methods and embodies progressive approaches to information-seeking interviews. It is a model based on the principle of free recall, where suspects are given the opportunity to recant all the events in question in their own words during the 'Account' stage. The cautioning exchange takes place in the 'Engage and explain' stage; see e.g. Clarke and Milne (2016) for details on all PEACE stages.

The 'Engage and explain' stage represents the formal opening of the interview where the recording starts and the interviewer outlines the process. The interviewer has to fulfil the PACE requirements, which includes informing the suspect of their right to silence (the police caution) and legal representation (Code E, s.3.6 PACE). All persons in the interview room are prompted to identify themselves on record, and Appropriate Adults (AAs), whose presence is mandatory in interviews with juveniles, are instructed of their duties. AAs are discussed in more detail below.

Institutional discourse

Police interviews as a genre fall under the domain of institutional discourse, that is,

a form of interaction in which the relationship between a participant's current institutional role (that is, interviewer, caller to a phone-in programme or schoolteacher) and their current discursive role (for example, questioner, answerer or opinion giver) emerges as a local phenomenon which shapes the organisation and trajectory of the talk'. (Thornborrow 2002: 5)

Institutional discourse is dictated by a speaker's affiliation to an institution, but naturally the discursive event itself relies on interaction and is thus co-constructed by the speakers. Closely connected with institutional discourse are the intertwined concepts of language and power; Fairclough's approach in particular helps us uncover how 'people with power control what happens in specific interactions', such as in police interviews (Fairclough 2015: 3). Police interview discourse presents a legal-lay dichotomy; the interviewer is familiar with the institutional rules and the associated language, which puts the interviewee in a weakened position both institutionally and discursively (Dijk 1993).

Vulnerability in police interviews

There are many types of vulnerabilities that can exacerbate the asymmetry of power in police interviews. Interviewees considered vulnerable (e.g. juveniles, persons with learning disabilities, mental health issues, or a physical disorder that impacts their ability to communicate, non-native English speakers – note that interviewees can exhibit a multitude of vulnerabilities) are entitled to special measures in the form of intermediaries, AAs, and interpreters to help enable and facilitate communication (s.16 Youth Justice and Criminal Evidence Act 1999; Code C, s.1.13(d) PACE).

While in E&W there is no lower age limit for witnesses – research shows that reliable information can be obtained by specially trained officers from witnesses aged just two (Marchant 2013) – the lower limit for suspects, also known as the age of criminal

responsibility, is 10 years old (s.50 Children and Young Persons Act 1993). The upper age limit for the 'child' age bracket is the same for all interviewees, namely 17, as stipulated by the Children Act 1989. The 17-year-olds in the current dataset are thus considered vulnerable due to their age. Neurologically speaking, the human brain is not fully developed until a person reaches their mid-twenties (Gogtay *et al.* 2004), and while parts of the adolescent brain are still developing, certainly no significant developmental leaps take place overnight between ages 17 and 18, rendering the strict 17/18 age divide largely arbitrary. Furthermore, 'children' do not constitute a uniform group of people but instead persons with individual stages of development and characteristics (Rooy *et al.* 2016: 58). Yet in legal terms 10- to 17-year-old suspects are grouped together in the 'children' category. The group referred to in this study as 'adolescents', that is, 17-year-old children and 18-year-old adults, represent a group that has largely been overlooked in police interview discourse research. Studies focusing on children tend to focus on (very) young interviewees – often witnesses – and frequently present analyses on language acquisition and cognitive development (Marchant 2013; Rooy *et al.* 2016; Milne and Bull 2006). Studies on adult interviewees rarely mention the ages of the subjects, but it can be assumed that they present a cross-section of adults, with little attention paid to 'newly' adult 18-year-olds. In the current study, then, the interaction between interviewer and suspect is not only marked by the abovementioned legal-lay dichotomy but reinforced by the superimposed asymmetry based on age and associated legal status. As mentioned briefly above, Code C, s.11.15 PACE sets out the mandatory presence of an AA in interviews with juvenile or otherwise vulnerable suspects. The AA role is taken on by a parent/guardian, a social/care worker, or a volunteer. In terms of their duties, Code C, s.11.17 PACE states that

[i]f an appropriate adult is present at an interview, they shall be informed:

- that they are not expected to act simply as an observer; and
- that the purpose of their presence is to:
 - advise the person being interviewed;
 - observe whether the interview is being conducted properly and fairly; and
 - facilitate communication with the person being interviewed.

Research into the role of the AA has been conducted from several disciplinary angles, with focuses on the practicalities of familial vs non-familial AAs (Haley and Swift 1988; Brown *et al.* 1992; Evans and Rawstorne 1994), and on issues surrounding the comprehension of their duties (Palmer and Hart 1996; Evans 1993; Dixon *et al.* 1990; Fennell 1994). Research on the AA 'in action' comes preponderantly from observational studies in custody suites and from interviews with AAs or custody staff (Pierpoint 2006; Dehaghani 2019). Research on the AA's role inside the interview room is scarce: broad analyses of interview transcripts by Evans (1993) and Farrugia and Gabbert (2019) both reveal that AAs tend to take on a passive role in spite of being instructed not to simply observe.

Regardless of whether an interviewee is vulnerable and special measures are used, the aim of all interviews remains the same, namely, to gather as much useful information as possible to contribute to the investigation at hand Milne and Bull (2006).

The police caution

The police caution is recited to detainees at various stages of the legal process: first upon arrest, then during the interview, and an additional time if they are formally charged with a

crime (Rock 2012: 313). The purpose of the caution is to inform detainees of their right to silence, of the court's right for adverse inferences to be drawn (s.34 Criminal Justice and Public Order Act 1994), and of the fact that the interview record can be used as evidence at a later stage (Haworth 2018; Rock 2007). The wording of the caution is as follows:

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.

The caution, albeit comprised of only three sentences and 37 words, presents a complex structure and the second sentence in particular can cause confusion. Firstly, it starts with the conjunction 'but' which 'effectively signal[s] the removal of the suspect's non-prejudicial "right to silence"' (Cotterill 2000: 6). It furthermore contains a conditional clause, multiple embeddings, and selected lexis with specific legal meanings. As a result, many (non-vulnerable) adults struggle to understand the meaning and implications of the police caution (Cotterill 2000; Brown 1997; Kurzon 1996; Rock 2005, 2007, 2012; Walsh and Bull 2010). Police interviewers are instructed to mitigate apparent comprehension issues as follows: '[i]f it appears a person does not understand the caution, the person giving it should explain it in their own words' (Code C, Note 10D PACE). Interviewers use comprehension-checking questions (CCQs) – the terminology here is informed by Rock (2007) – which typically take on a polar yes-no format, e.g. 'do you understand what the caution means?' Polar CCQs are precarious as suspects have a strong tendency to provide a (preferred) affirmative response even if this does not correspond with the truth. As the nature of the police interview 'involves a general preference for suspects to cooperate', affirmative responses to polar CCQs are considered valuable for interactional progressivity (Diepeveen *et al.* 2022: 176). The strong tendency to answer CCQs with 'yes', is an example of 'gratuitous concurrence' (Eades 2015), and is strong for any type of suspect, given their inferior positioning in the interview interaction (Rock 2007). Especially when the suspect is vulnerable, the risk of suggestibility (Gudjonsson 2003) is heightened. Research into different displays of epistemic access in classroom settings, provides a useful lens through which to analyse word choice in CCQs. According to Koole (2010), a 'do you understand...?' question prefers a simple 'claim' as a response (e.g. 'yes'), whereas 'do you know...?' prefers a 'claim' plus a 'demonstration' (e.g. 'yes, it is...'; see Sacks (1992). We see both of these questions oriented to in the data where they fulfil slightly different purposes.

Rock's research shows that in a typical cautioning exchange, the suspect's affirmative response to the CCQ is followed by the interviewer's prompt to explain the caution back to them (Rock 2007) – an endeavour that virtually no suspect succeeds in. The prompt for the suspect to recontextualise the caution is a problematic social action itself; it puts the suspect in a potentially face-threatening position where they may be exposed as either not having answered the original CCQ truthfully or as not having understood the caution correctly. Crucially, however, an unsuccessful recontextualization by a suspect does not necessarily indicate non-comprehension, but simply an inability to express comprehension (Rock 2012).

Once an interviewer has established – through CCQs and failed explanation attempts or by other verbal and non-verbal signals – that the interviewee does not understand the caution, they then provide the paraphrasing, or the *reformulation* (Rock 2005; Godsey 2006). Interviewers frequently announce their reformulation using metadiscourse, e.g.

'so we break it down into smaller chunks', 'erm the first bit...' (Extract 5 below; Heini (2020: 156). As interviewers are instructed to use 'their own words' when reformulating, unsurprisingly there is variation in the structure and the completeness of reformulations.

In many cautioning exchanges, the reformulation –complete or otherwise – is followed by a second question, which asks about comprehension (Rock 2007). These questions are also routinely answered affirmatively. Once again, the preferred response means that the interview can progress to the next stage. Post-reformulation comprehension checking is sometimes skipped completely, as some officers consider the provision of the reformulation itself as ensuring comprehension, as illustrated by this piece of personal correspondence with a police officer:

if [the suspect] said they did understand it, I would ask them to explain it to me in their own words. They normally got it wrong and I would end up explaining it to them anyway. *In that way I could prove that the suspects knew and understood their rights*, which can help down the line when a defence statement is submitted before a hearing. (2019, italics added)

A cautioning exchange, then, must legally be compiled of at least one element, the recital of the caution, but frequently includes others, (e.g. CCQ, a reformulation attempt, a reformulation, a second CCQ, etc., see Rock (2007: 159). Considering the overall interview context, issues with comprehensibility based on the complex language, the observed troubles with comprehension, as well as factors of gratuitous concurrence and suggestibility, it is not surprising that navigating the cautioning exchange as a vulnerable interviewee is even more demanding (e.g. for persons with intellectual disabilities see Gudjonsson and Joyce (2011); for non(-native) English speakers see Berk-Seligson (2016); Dumas (2020); Pavlenko (2008). This study will examine (1) what patterns emerge in the data regarding cautioning practices with 'juvenile' and 'adult suspects', as well as across different police forces in a legal system with a high degree of police practice regulation, and (2) how the exchanges play out in terms of their interactional structure, both in terms of comprehension-checking practices and how the need for a reformulation is negotiated between the interviewers and the suspects.

Data and methods

The data consist of 19 interviews with 17- and 18-year-old suspects conducted between 2016-2017 by two police forces in England. The interviews vary by their duration, the suspected offence, the persons present, and interlocutors' genders. Not all of these variables are relevant for the current research; Table 1 outlines the dataset with the pertinent attributes. Note that the suspects have all been given pseudonyms.

The audio data were anonymised using the Audacity software and subsequently transcribed according to conventions by Jefferson (2004). The transcription is considered part of the analysis (see Bucholtz 2000), in line with the data-driven research paradigm of CA. While we consider the backdrops of institutional discourse and age-based vulnerability, this research is at its core inductive and salient issues are made visible by the participants themselves while interacting with each other in these cautioning exchanges.

CA considers interactions in terms of their conversational structure, whereby individual turns are dependent on the preceding conversational context (Sacks *et al.* 1974). Turns consist of one or more turn-constructive units (TCUs) and end in transition relevance places (TRPs), at which point the floor can (but does not have to) be passed to

Suspects aged 17		Suspects aged 18	
Andrew	Police Force 1	Kevin	Police Force 1
Ben		Luke	
Charlie		Matt	
Daniel		Nathan	Police Force 2
Eric		Olivia (2x)	
Frankie	Paul		
Gavin	Robert		
Helen	Samuel		
Ian	Police Force 2		
Jack			

Table 1. Data description with suspect ages, suspect names, and police force numbers

another speaker (Schegloff 2007; Clayman 2013). Another basic tenet of CA are adjacency pairs, i.e. two 'pair-type related' turns by two subsequent speakers (Schegloff 2007: 13). Question-answer adjacency pairs consist of a first pair part characterised by interrogative syntax or intonation whereby the interlocutor is expected to produce a response. The second pair part can consist of a preferred or dispreferred answer:

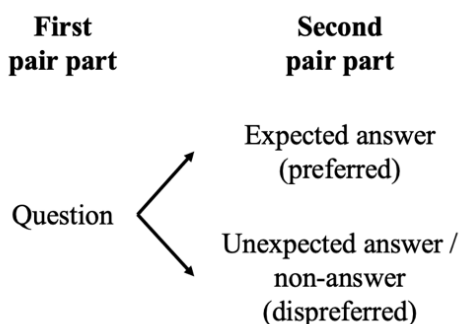


Figure 1. Question-answer adjacency pair with preferred and dispreferred second pair part (Levinson, 1983: 336)

What constitutes expected and unexpected answers is dependent on the conversational context (Pomerantz and Heritage 2012); in the cautioning context, affirmative responses to interviewers' CCQs are preferred and almost always given. As mentioned above, preferred responses furthermore contribute to the progressivity of the interaction.

While interacting, interlocutors can encounter trouble in producing, hearing, or correctly understanding a turn. When this occurs, the source of the trouble must be identified, and the problem repaired. In everyday conversation, repair initiations often take the form of clarification questions of varying degrees of specificity (Schegloff 2007). As outlined previously, in the institutional context of police interviews suspects often strive to cooperate. Thus, in the interest of progressivity (Kitzinger 2012), clarification questions from interviewees are rare (Rock 2007).

CA is an inductive approach that allows for the identification of the most salient issues in a given conversational context. It has been applied to a broad range of police interview data, including interviews with suspects, witnesses, adults, children, and other

vulnerable persons (Carter 2011; Komter 2003, 2006; Rock 2007; Ferraz de Almeida and Drew 2020; MacLeod 2016; Haworth 2006, 2017; Stokoe 2013; Heydon 2005; Jol and Stommel 2021). Given the institutional nature of these 'unequal encounters' (Fairclough 2015: 73), when discussing the findings from the CA I will draw on relevant concepts from the critical discourse analysis (CDA) literature. Interactions are evaluated in light of how 'social-power abuse and inequality are enacted, reproduced, legitimated, and resisted' by means of discourse (Dijk 1993: 249). This phenomenon is particularly marked in police interviews with vulnerable persons who are at risk of having their access to justice hampered. Multi-method approaches whereby CA is complemented by elements from CDA have been applied to police interview discourse (Haworth 2009; MacLeod 2010). Combining the applied/forensic linguistics paradigm of helping to improve the delivery of justice through language analysis with Fairclough's notion of (transformative) action (Fairclough 2015), I will conclude the discussion of the findings with a series of recommendations for practitioners.

Where appropriate, this analysis uses basic descriptive statistics, to quantitatively describe the structures and patterns observed in the overall dataset according to suspect age groups and police forces.

Analysis

The analysis firstly considers categories and patterns of the cautioning exchanges, focussing on age groups and police forces (Research Question 1). Secondly, it presents a detailed account of the interview transcripts, examining how the need for a reformulation – or lack thereof – is negotiated (Research Question 2). The subsequent Discussion section explains these observations in the contexts of institutional discourse and vulnerability, and provides recommendations for transformative action.

Cautioning exchange categories

The cautioning exchanges are readily identifiable within 'institutionally provided-for slots' (Edwards and Stokoe 2011: 22) in the 'Engage and explain' stage. To examine how cautioning exchanges unfold, the exchanges were categorised according to whether a reformulation takes place or not. Closer inspection then revealed four broad sub-categories (see Figure 2; numbers in brackets denote the number of interviews per (sub-) category).

Evidently, there is a clear preference for interviewers to provide a reformulation (16 out of 19 interviews, 84%) and, more specifically, to recontextualise without putting an explicit CCQ to the suspect before doing so (13 interviews, 68%). In this adolescent suspect dataset it appears interviewers work on the default assumption that suspects *do not* understand the caution and require a reformulation as a matter of course. Thirteen out of nineteen interviewers skip the post-recital CCQ, and three of them also forego any checking procedures post-reformulation; this implies these interviewers' shifts from a default assumption of non-comprehension post-recital to a default assumption of comprehension post-reformulation, without consulting the suspect at either point throughout the exchange. The majority of interviewers who recontextualise do, however, engage in some form of post-reformulation checking, ranging from explicit (e.g. 'do you understand that?') to implicit progression questions (e.g. 'is that alright?'; 'okay?').

Age- and force-based patterns

Age-based patterns are quite subtle but nonetheless warrant two observations. Firstly, the 'no reformulation after CCQ' category – the short typical cautioning exchange in which

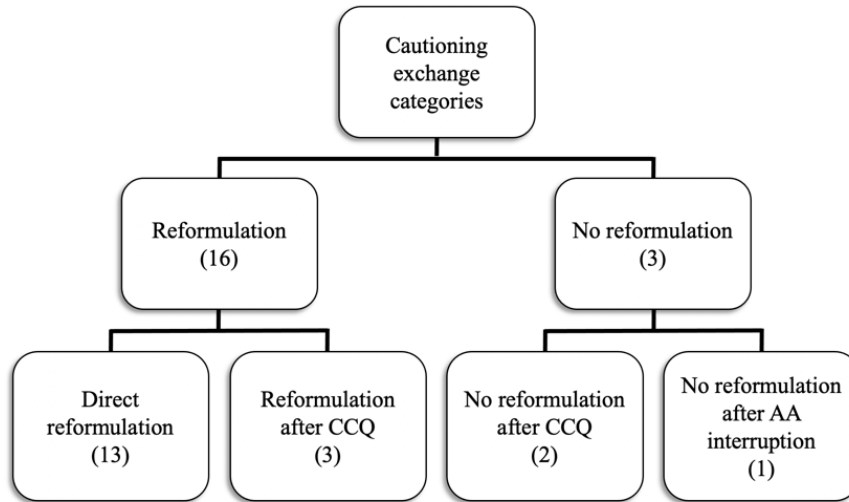


Figure 2. Cautioning exchange categories and sub-categories

a suspect's affirmative response to the CCQ is accepted as true – is populated only by 18-year-olds. While issues with adults' comprehension of the caution have been discussed earlier, it is somewhat reassuring to see that this short exchange does not take place in interviews with children. Secondly, 17-year-old Eric's exchange is clearly a special case, with an interactional power struggle involving his AA.

Table 2 shows the exchange categories arranged by police force, making patterns of institutional practices discernible.

	Suspect (age)	Category
Force 1	Andrew (17)	Direct reformulation
	Ben (17)	
	Daniel (17)	
	Charlie (17)	Reformulation after CCQ
	Kevin (18)	
	Luke (18)	No reformulation after CCQ
	Matt (18)	
	Eric (17)	No reformulation after AA interruption
Force 2	Frankie (17)	Direct reformulation
	Gavin (17)	
	Ian (17)	
	Jack (17)	
	Nathan (18)	
	Olivia (18)	
	Olivia (18)	
	Paul (18)	
	Robert (18)	
	Samuel (18)	
	Helena (17)	Reformulation after CCQ

Table 2. Data listed by police force with suspect ages and cautioning exchange categories

Table 2 shows that Force 2 is considerably more unified in their cautioning exchanges than Force 1. In all but one interviews conducted by Force 2 (91%), the interviewer reformulates the caution directly; only in the interview with Helena does the interviewer first assesses her comprehension by asking a CCQ and using an explanation prompt, before providing her with the reformulation. In Force 1, only three suspects (37.5%) have the caution reformulated directly, and another 25% receive the reformulation after a CCQ. All three instances in the 'no reformulation' category (shaded in grey) take place in Force 1, accounting also for 37.5% of the force's overall practice in this dataset. It is also noteworthy that both 'no reformulation after CCQ' interviews are with 18-year-old suspects, meaning that interviewers in Force 1 take the comprehension claims of the suspects officially labelled as adults at face value and do not prompt recontextualisation.

The four sub-categories are now examined in more detail. Extract 1 lists the full wording of the caution; in subsequent transcripts it is shortened to include only the tail end. Ellipses signal preceding and subsequent continuation of the turn by the same speaker. Extracts are numbered continuously and include the suspect's name and age, and the force number.

Direct reformulation

Direct reformulations constitute the most common category across the dataset. This suggests that the default expectation is that suspects will not understand the official wording – an assumption that is consistent with the literature (Kurzon 1996; Rock 2005, 2007, 2012). Consider Extract 1 for a typical transition from caution to reformulation:

Extract 1: Andrew (age 17, Force 1)

- 01 IR1 ... I must remind ↑you that you are under caution? and that you do not have to say anything? but it may harm your defence if you do not mention ↑when questioned (.) .hh something that you later rely on in court, anything you do say may be given in evidence,
(0.7)
- 02 IR1 .hh I'm going to explain that caution for you Andrew basically what that means is you don't have to talk to me today if you don't want to? ...

There is a 0.7-second pause after the interviewer's recital of the caution, which marks this as a potential TRP. The continuing intonation at the end of turn 01, however, indicates the interviewer's orientation to continuing with a reformulation without an explicit expectation of a contribution by the suspect. The pause can thus be seen as an audible divisor between the official recital and the reformulation units – a feature that appears in many other interviews in the dataset (see Extracts 2, 3, 5 and 8). In turn 02, the interviewer announces the reformulation by using metadiscourse; a common tool for engaging the suspect during this initial part of the interview, and this in turn is in accordance with official police guidance pertaining to the 'Engage and explain' stage (College of Policing 2022). The interviewer also uses the adverb 'basically', which is found to be a fairly common lexical choice by interviewers in the cautioning exchange part of the interview, as illustrated in Extract 2 below:

This example shows a minimal transition from caution recital to reformulation, signalled only by 'basically', following a 0.9-second pause that separates the recital from

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Extract 2: Paul (age 18, Force 2)

- 01 IR ... rely on in court. (0.5) anything you do say may be
given in evidence,
(0.9)
02 IR basically. I'm gonna ask you a load of questions Paul
(0.6)
03 SU °°okay, °°
04 IR you ↑don't have to answer them? ...

[

the reformulation unit. Similar to Extract 1 above, the recital ends on a continuous intonation, which is likely why there is no uptake of the potential TRP by the suspect. The adverb 'basically' frames the reformulation as a 'basic' version of the caution, thereby orienting to the officer's attempt to bring about clarity and comprehension. Paul's brief feedback token (turn 03) follows the interviewer's use of his first name as a term of direct address.

In Extracts 1 and 2, the interviewers' assumptions that the suspects will not understand the caution is realised by the immediate reformulation. This presumption of non-comprehension, where suspects are not given an opportunity to demonstrate their understanding, is potentially a face-threatening act.

Consider on the other hand Extract 3, which shows a reformulation that is framed explicitly as ritualized practice:

Extract 3: Ian (age 17, Force 2)

- 01 IR ... anything you do say may be given in evidence.
(0.9)
02 IR ↑basically. Ian I'll >go< through:: <what that is ex-
<it's ↑not just >'cause it's< you I do it with
everybody. (.) >basically you don't have to say
anything ...

[

Ian's interviewer follows the recital with the metadiscursive announcement (with an initial false start) that he will 'go through' the caution. He then further pre-empts the reformulation by ensuring Ian 'I do it with everybody', thereby framing the reformulation as procedural by assuring the suspect that he is not giving him any special treatment on the basis of his vulnerable status. This is closely connected with what Rock observes in interviews where, when officers prompt suspects to explain the caution, they frame this as 'something other than challenges to detainees' professed comprehension' – in this case as a 'routine or procedure' (Rock 2007: 212-213; see also Urbanik and Pavlenko 2021). This mitigates the face-threatening potential that Extracts 1 and 2 exhibit, where no such framing is given and the presumption of non-comprehension is foregrounded.

Gavin's interview constitutes a special case of a direct reformulation. While it is not uncommon for interviewers to announce the recital (e.g. 'just have to caution you for the purpose of the interview; you do not have to say anything...'), in Gavin's interview we see a departure from this in that the interviewer additionally characterises the caution (turn 01), thereby triggering the suspect's confusion and clarification question (turn 02).

Gavin's inquiry about the 'type of caution' (turn 02) could indicate that he knows about different cautions¹ (Rock 2007: 150); however, it is more likely that the source

Extract 4: Gavin (age 17, Force 2)

01 IR I must remind you that you're still under ↑cau:tion.
(.) the caution it was the same one that
[you was given.-]
02 SU [what type of cau]tion is it.
(0.5)
03 IR it's the caution that ↑everyone's (0.4) <given upon
(.) arrest,
04 SU alright.=
05 IR =I'll [read it-]
06 SU [I don't know what that means [(inaudible)]
07 IR [I'll-]
I'll ↑read it out [to you]
08 SU [okay,]
09 IR and [then I will e]xplain. it
10 SU [alright.]
11 IR to you [alri::ght.]
12 SU [yeah yeah,]
13 IR .hhh so:, (.) the caution is you >do not have to< ↓say
anything? [but it may ha]rm
14 SU [yeah]
15 IR >your< de[↓fence]
16 SU [↑a:right.]
17 IR if you >do not mention< ↑when questioned >something
which you later rely on in< court. anything you do say
may be given in evidence,=
18 SU =yeah.
19 IR .h the basic gist of the caution Gavin is. (.) <I'm
>going to ask< ...

of the problem is the fact that the interviewer not just mentions the caution but instead characterises it as 'the same one' that the suspect had been given previously. The interviewer clarifies by referring to the arrest when Gavin would have been cautioned, and the suspect's evaluation 'alright' (turn 04) first suggests that the interviewer's explanation had provided clarification; however, he voices his lack of understanding when interrupting the interviewer anew and stating 'I don't know what that means' (turn 06). The interviewer uses metadiscourse to start announcing his intentions (turn 05) before being interrupted by Gavin. Turn 07 shows the interviewer insisting on fully announcing his intentions, thereby framing the recital (turns 05 and 07) and explanation (turn 09 and 11) as a routine procedure. Following the recital, the interviewer frames his reformulation as 'the basic gist' (turn 19), which echoes the observations made for Extracts 1, 2, and 3. In total, the full cautioning exchange in this interview stretches across 74 turns, with the interaction first characterised by Gavin's alternations between claiming to understand (turn 04) and to not understand (turn 06), and later his frequent back-channelling, interruptions, and resulting overlaps.

These extracts have shown that there are commonalities in the ways in which interviewers introduce the direct reformulation, such as by using adverbs or short phrases relating to the 'basic' gist of the caution. Extracts 1, 2, and 3 show the interviewers' orientation to reformulate the caution as a matter of course while often framing it explicitly as a routine procedure; in Gavin's case this default orientation is obscured by his voiced confusion as soon as the topic of the caution is introduced.

Reformulation after CCQ

As outlined earlier, comprehension checking is a difficult undertaking, fuelled by interviewers' tendency to view the cautioning exchange as a box-ticking exercise (Rock 2016) combined with suspects' tendency to claim comprehension even if this is not accurate. Consider the following extract from the interview with 17-year-old Charlie:

Extract 5: Charlie (age 17, Force 1)

- 01 IR1 ... anything you do say? (.) may be given in evidence.
(0.6)
- 02 IR1 d'you know what- (.) that caution ↑means.=
- 03 SU =yeah
(0.4)
- 04 IR1 can you explain it to me?
(0.7)
- 05 SU that I'm (.) under arrest for,
(1.7)
- 06 SU a robbery, (.) or something?=
07 IR1 =°okay, °
(1.4)
- 08 IR1 .hh so the ↑caution?
- 09 SU °yea[h°]
- 10 IR1 [so] we break it down into smaller <chunks. so
you do not have to ↓say anything. ...

Following what we could call a customary pause following the official recital, turns 02-03 show an adjacency pair: the interviewer asks a CCQ enquiring about knowledge, and Charlie latches a preferred, affirmative response (claim), although he does not provide a demonstration thereof. The interviewer subsequently prompts him to explain the caution and Charlie's response (turn 05) is characterised not only by non-comprehension in terms of the caution's content, but also by a long, 1.7-second pause. Based on the intonation pattern of Charlie's turn, the interviewer refrains from taking the floor. Charlie eventually completes the syntactic unit by mentioning the offence he has been arrested for ('a robbery') and subsequently uses interrogative intonation in 'or something?' to signal the end of his contribution (turn 06). The interviewer picks up on this swiftly and latches an 'okay' as a response to the suspect's implicit request for help. Charlie signals active listening with a quiet 'yeah' token (turn 09) upon the start of the reformulation.

Extract 6 below shows the somewhat uncommon structure of 'recital → CCQ → affirmation → reformulation', with the interviewer skipping the explanation prompt:

Extract 6: Kevin (age 18, Force 1)

- 01 IR1 ... anything you do say may be given <in evidence. do
you understa[nd that↓]
- 02 SU [((sniffles))] (.) yeah.
(0.3)
- 03 IR1 okay (0.3) I'll just break it down for you what it
me:ans is ...

Following the recital, the interviewer asks Kevin a polar CCQ and his affirmative response (turn 02) is acknowledged by the feedback token 'okay' (turn 03). Despite this, the interviewer subsequently announces the reformulation regardless using metadiscourse, 'I'll just break it down for you...'. Whether it was always the interviewer's intent

to reformulate regardless of the suspect's response to the CCQ cannot be determined conclusively. It is possible that the beat preceding Kevin's 'yeah' is interpreted by the interviewer as a hesitation marker and thus potential non-comprehension. Another factor that could influence the interviewer's behaviour is the presence of Kevin's solicitor. Luke and Matt, the other two 18-year-olds from Force 1, have no solicitor present and their respective interviewers do not provide reformulations after the 'recital → CCQ → affirmation' pattern (see Extract 7 below for Luke's exchange). To further compare, in Extract 5 above, after Charlie's claim of understanding he is prompted to provide a demonstration, which ultimately reveals his non-comprehension and triggers the reformulation. Extract 6, on the other hand, shows Kevin claiming understanding followed directly by a reformulation; it is possible that the presence of the solicitor impacts the interviewer's sense of obligation to explain the caution to the extent where he skips the demonstration prompt (Sacks 1992).

It must be mentioned at this point that not all reformulations are alike and there are some discrepancies regarding their comprehensiveness, and a detailed examination of the contents is beyond the scope of this paper. A brief survey of which of the three caution sections² are covered in the reformulations shows 15 out of the 16 interviewers that provide a reformulation cover all three sections of the caution, and 13 out of 16 (81%) do so in a chronological, 1-2-3 order. In Russel's (2000: 33) data, only 7 out of 13 (53%) retained the original order; in Rock's it is 60 out of 144 (42%) officers (Rock 2007: 183). The high number of 1-2-3 reformulation sequences can be indicative of interviewers' overall efforts to keep the reformulations as logical and simple for the adolescent age group.

Kevin's interviewer from Force 1 (Extract 6) explains only sections 1 and 2, meaning he makes no explicit mention of the interview being recorded and used as evidence. The data thus reveal that in Force 1, two out of three 18-year-old suspects (Luke and Matt) do not get a caution reformulation at all, while the reformulation for the third 18-year-old, Kevin, only covers sections 1 and 2. This means that the three 18-year-olds from Force 1 either receive an incomplete explanation of the caution or no explanation at all.

No reformulation

This section will examine both sub-categories under the 'no reformulation' umbrella. The 'no reformulation after CCQ' exchanges are very brief; consider Extract 7 below:

Extract 7: Luke (age 18, Force 1)

- 01 IR ... anything you do say may be given in evidence:, do
you understand what that ↑me::ans.=
- 02 SU =yes,
(0.2)
- 03 IR okay. so the ↑reason for your arrest ...

The interviewer poses a polar CCQ, 'do you understand what that means' (turn 01), and Luke's latched response is a monotonous affirmation, rendering it little more than a progression marker. The interviewer acknowledges this claim with a feedback token 'okay' (turn 03), before proceeding to the next topic without a pause. Note that Luke was asked about 'understanding' the caution, which is how the CCQ for Matt, the other suspect in this category, was also formulated. In both cases, the suspects' affirmative claims satisfy the interviewers, and the interview progresses. These 'recital → CCQ → affirmation' cases

present another way in which routine police procedure is manifested, in line with what Rock refers to as the 'typical' canonical form (Rock 2007: 158-160).

A special case in the 'no reformulation' category is taken from the interview with 17-year-old Eric. As a juvenile, Eric has an AA present and the introduction sequence at the beginning of the interview reveals the AA as a professional with no familial relation to the suspect. During the cautioning exchange between the interviewer and the suspect, the AA joins the interaction unprompted in a way that results in the interviewer ultimately not providing an explanation.

After the recital, the interviewer does not ask Eric a CCQ, and instead asks him whether the caution 'had ever been explained to [Eric] at all' (turn 02). The question likely orients to the presence of the AA, who, as a professional, may have explained the caution to Eric prior to the interview. Having said that, the construction of the question including the intensifying adverbs 'ever' and 'at all' can be seen as steering towards 'no' as a preferred response. The 1.1-second pause that passes without Eric taking the floor can be indicative of possible confusion on his part, where instead of a CCQ formulated to expect an affirmation, he is asked a question about a potential previous interaction that expects a negative response. Seeing the silence as a prompt for self-repair, he adds an increment as an attempt to clarify his previous question (turn 03). What follows is the only occurrence in the dataset of a suspect answering the interviewer's post-caution question with a vague response, 'sort of' (turn 04). In this context this is a dispreferred response, for it hampers the progressivity of the interview.

The interviewer is receptive to Eric's response by assuring him, 'yeah...no worries' (turn 05). As he begins to outline his objectives, 'what I do-', the AA interrupts, resulting in an overlap which makes her contribution beyond 'we' (turn 06) unintelligible and eventually makes the interviewer abort his turn. Given the context, as well as the previously discussed examples, it can be cautiously assumed that the interviewer was in the process of using metadiscourse to announcement the reformulation of the caution.

From the interviewer's clarification in turn 07 it becomes apparent that the AA has referred to a previous interaction between her and Eric where they had discussed the caution. The institutional asymmetry is exacerbated here, for the interviewer affords credibility to the AA and her comments, even repeating the information provided by her out loud (turn 07). The interviewer asks a 'so'-prefaced polar CCQ targeting Eric's 'understanding' with a final 'then' (turns 11-13), to which he immediately latches an affirmative claim (turn 14). Even though Eric is encouraged to let the interviewer know if he does not understand it (turn 15), based on the language of the preceding three-way interaction it is effectively a phatic offer, which Eric unsurprisingly does not take up. The interviewer accepts the AA's report about her having been through the caution with Eric in the interviewer's absence; this means he essentially outsources what PACE stipulates, namely that the person giving the caution (the interviewer) ought to explain it to the suspect in their own words.

Discussion

This analysis first explored whether there were any discernible linguistic patterns indexing 17- and 18-year-old suspects' ages and legal status, as well as the police forces at which the interviews were conducted. Secondly, transcripts were then analysed using CA to examine in detail how the exchanges play out.

Extract 8: Eric (age 17, Force 1)

01 IR ... anything that you do say may be given in
eviden:c:e,
(0.9)
02 IR now the cau:tion. has it ever been explained to you.
(.) >at all.<
(1.1)
03 IR about what it means,
(0.8)
04 SU sort of,
05 IR yeah. (0.5) no worries (0.5) [what I do.]
06 AA [we (inaudible)]
(0.6)
07 IR have you- have you have you >been ↓through it with
him be[fore< like the caution,]
08 AA [we did befo]re. yeah.
[I reme]mber.
09 IR [yeah]
10 AA but,=
11 IR =so do you [<understa]nd what >the< caution
12 AA [hm:]
13 IR ↓means then.=
14 SU =yeah
15 IR °yeah. brilliant,° ↑if not. (.) let me know and I'll
>explain it t'you< okay,
(0.5)
16 SU °yeah°
17 IR °°cool°°
(1.9)

The data show that by far the most common strategy – observed in 13 out of the 19 interviews – is the direct reformulation, where interviewers forego the typical comprehension checking and provide an explanation in their own words immediately after the recital of the caution. By doing this, interviewers display the pre-emptive assumption of suspects' non-comprehension, which is, according to relevant scholarship, mostly an accurate one (Cotterill 2000). The data also show three reformulations after two-way interactions involving question-answer adjacency pairs consisting of a polar CCQ and an affirmative response. In two interviews with 18-year-olds the affirmative claim to 'understand' the caution satisfies the interviewer and the caution is not explained. Finally, the data includes a special case whereby an interruption by a professional AA directs the interviewer away from an intended reformulation.

A closer look at these strategies reveals that the police seem to be less influenced by suspects' ages than by institution-specific procedures. This shows that, even with E&W's largely unified police guidance, the practice varies. While Force 2's practice is largely consistent across the age groups in that every suspect gets the caution recontextualised, Force 1 exhibits more varying practices. There is an age-divide within the force, whereby 18-year-olds are either not given a reformulation (i.e. where their claim to understanding is accepted by the interviewer) or given an incomplete reformulation, as is the case with Kevin who only has caution sections 1 and 2 explained.

The detailed analyses show that, first, interviewers who reformulate the caution directly tend to use continuous intonation while audibly dividing between recital and reformulation by pausing post-caution and pre-reformulation. The intonation can be seen

to signal that this is not a TRP and the interviewers are likely to continue their talk. When considering direct reformulations exchanges as a whole, it becomes apparent that, in terms of the acoustic make-up, the reformulation often sounds equally as rehearsed and standardised as the official caution itself (Snook *et al.* 2016). This means that the PACE requirement is expanded to include both, and genuine comprehension-checking is forgone completely. Secondly, interviewers use metadiscourse to introduce the reformulation and sometimes explicitly frame the process as a routine (e.g. 'it's not just cause it's you, I do it with everybody'). To 'older' child suspects, who know they are close to adulthood and autonomy, this practice demonstrates that they are not being treated differently because of their juvenile status.

Polar CCQs are formulated so as to check comprehension of the caution, and the data shows patterns consistent with Koole's work on questions about 'understanding' and 'knowing' (Koole 2010). The CCQ 'do you know what the caution means' demands a claim ('yes') and a demonstration (recontextualization attempt), as is apparent in Charlie's interview (Extract 5); 'do you understand what the caution means?', as the question is put to Kevin, Luke, and Matt (all 18 from Force 1), demands only a claim ('yes'), which is provided by all three suspects. As discussed in the analysis, Kevin's interviewer reformulates the caution without prompting him to explain it first – this can be due to the features of Kevin's assertive response and the physical presence of Kevin's solicitor.

The data exhibits an interaction in which a non-familial AA interrupts the cautioning exchange between the interviewer and the suspect, ultimately shifting the interviewer's orientation away from a reformulation. The interaction reveals the AA's professional status which positions her in institutional proximity to the interviewer and thus away from the suspect she is meant to support in the interview. The literature notes (and critiques) AAs' general passiveness (Farrugia and Gabbert 2019), whereas this data shows what can be regarded as too much active involvement. This is ultimately a youth justice issue as it shows the AA's potential to reinforce the institutional asymmetries reflected in the discourse produced by suspects, who, as a result, may feel even less empowered to speak up if they encounter comprehension problems.

Based on these findings there are four recommendations for practice: (i) Police should be wary of the 'caution recital and reformulation' package becoming ritualised in a way that trivialises legal implications (Rock 2016). (ii) Interviewers should provide complete reformulations that cover all three caution sections. (iii) Officers should try to verify the suspects' comprehension, even though this remains a central but challenging issue in this context. If suspects demonstrating understanding by explaining the caution back to the interviewer is deemed a useful method for this, then using CCQs that orient to suspects' 'knowledge' rather than 'understanding' of the caution could contribute to the flow of the interaction as this formulation targets a different epistemic domain. (iv) Police should be conscious of the status of professional AAs, for whom the legal process is second nature. Whether AAs have a familial connection to the suspect or are present in a professional capacity, their duty to safeguard vulnerable interviewees must be upheld.

Notes

¹'The caution' with a definite article means the one informing suspects of their rights; 'a caution' with an indefinite article means a reprimand or warning given to a suspect in lieu of a criminal charge (Cotterill 2000; Rock 2007).

²(1) You do not have to say anything. (2) But it may harm your defence if you do not mention when questioned something which you later rely on in court. (3) Anything you do say may be given in evidence.

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