

"Could you tell me what that means?" Ordinary and institutional vocabulary in police interviews with rape victims†

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Abstract

Perhaps the most significant outcome of the UK government's 2021 'End-to-end' review of how sexual offences are dealt with by the Criminal Justice System is Operation Soteria Bluestone (OSB), a programme of research and change which has resulted in the development of a national operating model rolled out in July 2023 across all 43 police forces in England and Wales. Surprisingly, Achieving Best Evidence (ABE) interviews with victims did not form a major focus of this model, despite them being widely regarded as the most crucial link in the chain. This paper represents part of the final report of a project that aimed to begin to address this gap. The data drawn on are a set of nine ABE interviews collected from the English police force that first piloted OSB (then called Project Bluestone) but that took place during the period immediately preceding the pilot. They are thus a communicative site where potential weaknesses in investigative practice – of the type that OSB set out to tackle immediately – might be expected to be laid bare. In this paper, two issues are identified and discussed: (i) competing vocabularies and (ii) conflicting understandings of demonstrating certain concepts, e.g. lack of consent. I exemplify these conflicts as they play out in the ABE interviews, draw on the philosophical concept of hermeneutical injustice in explaining these, and conclude with some thoughts on how linguistics might usefully contribute to the new model.

Keywords: Investigative interviews, Achieving Best Evidence (ABE), rape, Operation Soteria Bluestone, hermeneutical injustice.

Resumo

O resultado mais significativo da revisão "End-to-end" de 2021 do governo do Reino Unido sobre a forma como os crimes sexuais são tratados pelo Sistema de Justiça Criminal seja a Operação Soteria Bluestone (OSB).

†**WARNING.** This paper contains extracts from genuine interviews with people reporting rape, some of which are graphic in nature.

O OSB consiste num programa de investigação e mudança que resultou no desenvolvimento de um modelo operacional nacional implementado em julho de 2023 em todas as 43 forças policiais em Inglaterra e no País de Gales. Surpreendentemente, as entrevistas com as vítimas no âmbito do Achieving Best Evidence (ABE) não constituíram um foco importante deste modelo, apesar de serem amplamente consideradas como o elo mais crucial da rede. Este trabalho representa parte do relatório final de um projeto que tinha como objetivo colmatar esta falha. Os dados utilizados são um conjunto de nove entrevistas do ABE recolhidas da rede de forças policiais inglesas que estiveram à frente do OSB (o antigo "Projeto Bluestone"), mas que tiveram lugar durante o período imediatamente anterior ao projeto piloto. Trata-se, portanto, de um momento de comunicação onde é expectável que sejam reveladas potenciais fragilidades na prática de investigação - do tipo que, desde logo, o OSB se propôs a resolver. Neste artigo, são identificadas e discutidas duas questões: (i) vocabulário concorrente e (ii) entendimentos contraditórios na demonstração de certos conceitos, por exemplo, a falta de consentimento. Exemplificamos estes aspetos tal como se manifestam nas entrevistas do ABE, recorremos ao conceito filosófico de injustiça hermenêutica para os explicar e concluímos com algumas reflexões sobre a forma como a linguística pode contribuir de forma útil para o novo modelo.

Palavras-chave: *Entrevistas investigativas, Achieving Best Evidence (ABE), violação, Operação Soteria Bluestone, injustiça hermenêutica.*

1. Introduction

For many years feminist and legal scholars have decried the so-called ‘decriminalisation’ of rape (e.g. Baird, 2024; Walker, Foster, Majeed-Ariss, & Horvath, 2020) observing that ‘social, economic and political structures support sexual violence’ (Scully, 1990, p. 63). Against a longstanding historical backdrop of rape myth acceptance within the justice system as well as society at large (see Anderson & Doherty, 2008) the treatment of sexual offences by the authorities has long been of grave concern. With the 2024 figures showing that a staggering 97.4% of reported rapes in England and Wales do not result in a prosecution, (Home Office, 2024), the treatment of rape by police and legal systems has long been criticized as deeply flawed. This is evidenced by the multiple government reviews conducted over the last fifteen years, for example the joint thematic report by HMCPSI /HMIC (2007) and Stern (2010). In an effort to break the cycle of this so-called ‘rhetoric of reform’ (Jordan, 2011), one concrete response from the UK government ‘end-to-end rape review’ (Ministry of Justice, 2021) – which had concluded that ‘the current situation is totally unacceptable’ (p. 4) – was a large-scale Home Office-funded research programme named Operation Soteria Bluestone (henceforth OSB).

OSB saw a number of police forces across England and Wales give academic researchers unprecedented access to their work, allowing deep-dives into their investigative practices around rape and serious sexual assault (RASSO), resulting in the nationwide rolling out of a new operating model for RASSO investigations (College of Policing, 2023). Setting out a novel ‘victim-centred, suspect-focused and context-led’ approach

to RASSO investigation, the model is intended to transform police responses to victims/survivors.

Since victims/survivors of sexual offences are classified as intimidated witnesses according to the Youth Justice and Criminal Evidence Act (1999), their police interviews are routinely video recorded in order to enable these same interviews to stand in for the victim during direct examination at a subsequent trial. The interviews are thus conducted in line with the Achieving Best Evidence (ABE) protocol (Ministry of Justice, 2022). This guidance, first rolled out in 2002, is designed to assist interviewers who are tasked with collecting accounts from vulnerable, intimidated, and significant witnesses, and incorporates expert advice, chiefly from the fields of cognitive and social psychology, around enhancing memory retrieval and creating the optimum interpersonal conditions for disclosing high quality evidence. A number of scholars have recognised that the police investigative interview may be the most crucial link in the chain in terms of addressing issues of attrition (the rate at which reported incidents ‘drop out’ of the system), and for ensuring fair treatment for victims (e.g. Gregory & Lees, 1999; Jordan, 2004). Yet interviews with victims were markedly absent from the discussion when it came to the report of OSB’s findings and recommendations (Stanko, 2022). While the Year 1 report highlights the widespread acceptance of rape myth amongst serving officers and foregrounds the importance of police knowledge around sexual offending behaviour, the nature of rape, and its potential impact on different types of victim, it has little to say about how such knowledge might best be integrated into interviewing practice.

2. Operation Soteria Bluestone (OSB)

OSB is organised around six pillars, the first three of which relate to everyday policing (suspect-focused investigations; targeting repeat suspect; and a procedural justice approach to victim/survivor engagement), while the second three revolve around drivers for improvement (officer learning, well-being and organisational change; data and performance; examining, understanding, and improving the use of digital material in investigations). As mentioned above, there is no explicit mention of ABE interviews within the resulting recommendations, and they receive only a passing mention as part of the data that were reviewed during year one of the programme (Stanko, 2022). While a new arm of the programme has been commissioned with ABE interviews as its focus¹, this is in its infancy and being conducted from a wholly psychological perspective. It is clear that linguistic input is both absent and necessary.

In terms of where such efforts might be located within the existing OSB structure, there are two obvious themes to which it relates. Pillar One, ‘suspect focussed investigations’, is intended to represent a shift from focussing on the victim, her actions and her credibility, to those of the suspect. Previous linguistic research into RASSO ABE interviews has uncovered this as a key area of concern. Consider, for example, this extract from MacLeod (2020a). The parties are discussing how the interviewee (IE) came to travel back to her home with two men, one of whom she alleges went on to rape her. IR stands for interviewer:

¹(Milne and Tidmarsh, p.c. 2024)

- 1 IR and then what happened?
- IE they said "ah s- can we come back to your house" (.) and I
 said "ok fine it's not very often I get company" (.) didn't
 5 have a problem with it.
 (5.0)
- IR so how had you felt about the night so far with=
- IE =okay (.) no problems at all.
 10 (3.0)
- IR → and you'd said yes because you were w- w- enjoying the
 c[ompany,]
- IE [yeah][I felt safe.]
- 15 IR [so then]you felt safe •hh what u:m what
 happened after that then how did you get (.) [home?]

Extract 1. Victim-focussed language (MacLeod, 2020a)

Note how on lines 11-12, despite having been presented with the information that it was the men she was with who had first suggested the idea of them returning home with her, it is not this but the IE's own reasoning for *allowing* them to that the IR has chosen to formulate, and thus foreground in the discourse. This is a prototypical example of focussing on victim behaviour while ignoring that of suspect[s]; any opportunities to explore the latter's potential premeditation of the attack are lost in this instant.

A second area of the existing OSB model into which the evaluation of ABE interviews naturally sits is Pillar 3, 'a procedural justice approach to victim/survivor engagement'. Procedural justice refers to the idea that people's perception of fairness is strongly impacted by the quality of their experiences, and not merely the *end result* of these experiences (Hohl, Johnson, & Molisso, 2022). Thus, a victim/survivor's impression of reporting a RASSO incident will come down to their interactions with the police – the most substantial of which is their ABE interview – rather than whether or not their complaint results in a successful prosecution and conviction. Once again, there is clearly a space here for research around the discourse of the ABE interview.

3. Investigative interviews and clashing vocabularies

Interaction in police interview discourse is a well-established focal point of forensic linguistic research, with studies focusing variously on power dynamics (Thornborrow, 2002), question types (Oxburgh, Myklebust, & Grant, 2010) patterns of co-operation (Tkacukova & Oxburgh, 2020), and the co-construction of evidence (Haworth, 2015). Indeed, there are growing efforts to introduce the findings of forensic linguistic research into the training of police interviewers (see, for example, Stokoe, 2014).

For example, Rock (2001) unpicked the processes at work during the collection of witness statements, demonstrating that the final texts are the product of several retellings and negotiations between the witness and the statement-taker. The finished product displays traces of the institutional voice, rather than representing solely the words of the witness, as many might assume. Heydon (2005) seminal work, examining the language of suspect interviews, used tools drawn from interactional sociolinguistics and conversation analysis to further drive home the point that, rather than being un-

altered verbatim accounts from interviewees, the final versions of such interactions are at their heart mediated, co-constructed accounts. Police interviewers, as institutional representatives, bring their familiarity with institutional practices and priorities to the interaction, shaping the narratives in such a way as to give them evidential value.

Interviews with vulnerable individuals, including victims of sexual offences, have proven particularly fertile ground for linguistic enquiry. Antaki, Richardson, Stokoe, and Willott (2015) for example, focus on the potential blame-implicative nature of particular conversational practices, and MacLeod (2020a) elucidates the ways in which particular potentially blame-implicative contributions from interviewers can be mapped directly onto prevalent rape mythology and stereotypes.

Previous work has shown that for police interviewers there is often a tension between using ‘the same words as the witness has used’ as per the ABE guidelines, (Ministry of Justice, 2022) on the one hand, and using language that is deemed institutionally appropriate and evidentially useful, on the other (MacLeod, 2020b). A long history of research into institutional talk has shown us that it is largely goal oriented and often peppered with technical vocabularies which ‘can embody definite claims to specialized knowledge and institutional identities’ (Drew & Heritage, 1992, p. 29). This is certainly true of the police, as established by Fox (1993) and later Hall (2008). Yet we need to look beyond technical vocabularies to understand the tensions at play in the RASSO ABE interview. It is a well-established tenet of our discipline that linguistic performance is invariable about *choice*; ‘the relevance of lexical choice in institutional contexts is...far more wide-ranging than the use of technical jargon’ (Drew & Heritage, 1992, p. 29), ‘there are a great many overlapping and competing vocabularies corresponding to different domains, institutions, practices, values, and perspectives’ (Fairclough, 1992, p. 77), and we all view language as ‘choices among alternatives’ (Halliday & Matthiessen, 2004, p. 19). What is laid bare in these ABE interviews is that two speakers’ choices are rarely the same, and this can have serious consequences for procedural justice.

A useful lens through which to view these occasions of divergence is the philosophical concept of *epistemic injustice*. First formalised by Fricker (2007), epistemic injustice refers to those wrongs committed against a person ‘specifically as a knower’ (Fricker, 2007, p. 1). The concept can be broken down into *testimonial injustice*, whereby a diminished level of credibility is afforded to the account of a particular speaker, and *hermeneutical injustice*, which refers to ‘a gap in collective interpretative resources put someone at an unfair disadvantage when it comes to making sense of their social experiences’ (Fricker, 2007, p. 1). Both of these phenomena are relevant when it comes to victims/survivors’ experiences when reporting sexual offences, but we are particularly concerned here with the latter. Hermeneutical injustice is what we observe when ‘relations of unequal power can skew shared hermeneutical resources, so that the powerful tend to have appropriate understandings of their experiences ready to draw on...whereas the powerless are more likely to find themselves with...ill-fitting meanings to draw on in the effort to render them intelligible’ (Fricker, 2007, p. 148).

In the intensified context of the police interview, itself a microcosm of differential power relations (between police and public, between a long-acknowledged masculine institution (Silvestri, 2017) and a solitary (usually) female victim/survivor, etc.) the phenomenon of hermeneutical injustice becomes all the more magnified. Yet the concept of hermeneutical injustice as it relates to victims/survivors’ *communication* of their experi-

ences is largely unexplored. A number of feminist philosophers have discussed its negative impact on victims/survivors' ' *understandings* of what happened to them: Jenkins (2016) notes that 'rape myths...constitute hermeneutical injustice...victims who accept [them] are less likely to understand their own experience of sexual violence accurately' (p. 1), while Jackson (2019) focusses on how historically a lack of interpretative resources for conceptualising date rape prevented victims/survivors' from identifying their experiences as such. MacKenzie (2022) focuses on the impact of hermeneutical injustice in the specific context of rape investigations and trials, noting that here too rape mythologies and systemic sexism and misogyny impact negatively on victims/survivors' ' ability to acknowledge their experiences, with catastrophic impacts on their wellbeing.

This paper makes two novel contributions: first, it shifts the focus from victims/survivors' ' *understandings* of their experiences to their perceived competence at *communicating* them; and second, in focussing on instances of communicative clash in genuine ABE interviews with RASSO victims/survivors the tangible manifestation of epistemic injustice in rape investigations is laid bare.

4. Data and Method

The data drawn on here are a set of nine video-recorded ABE interviews conducted with persons reporting themselves as victims of rape between March 2019 and June 2020. Since Project Bluestone was piloted between January and March 2021, we might reasonably expect these to represent a 'before' set. However, the force had already trialled a related initiative in 2009 (REDACTED, 2011), building a specialist RASSO team in order to address their failings as a force when it came to detection and convictions in this area. We might thus expect there to be some residual effects of these earlier efforts; this is a force that had acknowledged they have a problem and has demonstrated motivation to address it.

The data contain a fairly even spread of male and female interviewers and interviewees, and of same-sex and mixed-sex dyads. The interviewees were aged between 22 and 55 at the time of the interview, but had a median age of 27.

The interviews were transcribed to Jeffersonian standards (see Hepburn & Bolden, 2017) by the second author and another research assistant, and then scrutinised for key themes through a discourse analytical lens (see Gee, 2014). While a range of phenomena were identified for further exploration, the focus in this paper is on conflicts of vocabulary and meaning in the talk of interviewees and interviewers. Thus, each instance of participants using differing terms for the same concept were isolated and discussed. Instances of an observable clash in expectations around epistemic bases, i.e. bases for *knowing*, are also drawn out and discussed.

5. Lexical choice (hermeneutical resources) in RASSO ABE interviews

There are a number of occasions in the interviews where we can observe the parties drawing on competing vocabularies, or in other words, competing *hermeneutical resources*: the shared meanings people use 'to understand their experience, and communicate this understanding to others' (Romdenh-Romluc, 2017, p. 1). In Extract 2, the IE's use of a common term is problematised by the IR once, and despite the IE's acquiescence to a more formal alternative, is problematised again even more intensely (in

all extracts from the current dataset, demographic information about the interviewee appears after the transcript number in brackets, i.e. F28 = female aged 28).

- 1 IE no he didn't say anything until he had finished cu- when he
had cummed in me and stood up (hjh)
- IR
→ okay so when you when you refer to h- hes cum inside you would
5 you would you be able to tell me what what that (0.5) means to
IE (.hjh) (1.1) h- has he ejaculated
- IR he's ejaculated [inside my] vagina yeah
- 10 IE → [okay]
okay so the semen that's come out of his (.) penis did it go
inside your vagina
yes

Extract 2. Lexical clash (Transcript 2: F28)

The IE's use of *cummed in me* (line 2), (a widespread term for ejaculation that would certainly be familiar to the IR and arguably the wider justice system), is picked out and explicitly flagged by the IR as a problem source in need of repair by the IE on lines 4-6: *tell me what that means... has he ejaculated*. The IE confirms this relexicalization with a repetition of it on line 8, adding the clarification that by *in me* she specifically meant *inside my vagina*. One might think the clash should be resolved at this point. However, the IR continues with an even more detailed formulation offered back to the IE to confirm on lines 11-12: *the semen that's come out of his penis did it go inside your vagina*. Unsurprisingly the IE confirms this on line 14. Of course, the IR has an institutional role to play, and this interaction must be converted into something of evidential use. But ABE does set out specific guidance around this phenomenon: 'If the interviewer is seeking elaboration on what the witness mentioned in their free narrative account, the interviewer should as far as possible try to use the *same words* that the witness used' (Ministry of Justice, 2022, p. 92; my emphasis). For this IR, it seems a requirement has been identified to clarify not once, but twice, the meaning of the IE's chosen words: the implication being that they are not appropriate for the institutional context nor for the goal they are intended to achieve. This is not a requirement acknowledged by all IRs, and we can see an opposing pattern occurring elsewhere in the dataset. In Extract 3, the IR wholeheartedly accepts and adopts the IE's chosen vocabulary as they discuss the events in question.

- 1 IR where did he touch you
- IE → he touched me where you would have sex
- 5 IR okay
- IE → the lady parts hhh
- IR → okay so lady parts where you'd have sex
- 10 IE °yep° (0.5) I don't wanna say it
- IR so you're led down he's kissing you have you still got your
clothes on at this point

15
 ((around 5 lines omitted))

20 IR okay so where did he touch you
 IE → down there first
 IR right okay

25 IE um and then that led then into him taking his trousers off
 IR → okay so when he does that when you said he's touched you down there what do you do

30
 (16 lines omitted)

46 IR °okay° so you say you were consenting to being touched and
 → you said he's touched you down there what as he touched you with
 IE his hands

50
 (4 lines omitted)

55 IR °okay so what has he done with his fingers°
 IE °um well put them inside°
 IR °okay put them inside where°

60 IE → °my (0.5) vagina°
 (5 lines omitted)

66 IR so when you say you consented to being touched and he's put
 → his fingers inside your vagina how would he know you've consented to that

70 IE cus cus I didn't say no

Extract 3. Lexical concord (Transcript 8: F27)

ABE 2022 is clear on how to proceed if an IE displays reticence around talking about particular elements of the offence: 'if the witness has communicated something that the interviewer feels needs to be clarified, but the witness seems reluctant or unable to do so at that point, it may be better that the interviewer return to it later in the interview rather than to press on' (Ministry of Justice, 2022, p. 75). In Extract 3 this is precisely this IR's strategy, and her formulation on line 9 encompasses both of the euphemistic terms used by the IE, *lady parts* and *where you'd have sex*. When the IE introduces a third characterisation, down there (line 22) the IR also adopts this label (line 41). Note that by the time the IR uses the technical anatomical term *inside your vagina* on line 68, this has already been introduced by the IE (albeit with a hesitant pause) on line 61. This extended extract starkly demonstrates that IEs can overcome initial reluctance if treated with patience and understanding.

From the two extracts discussed in this section we can see marked differences in the ways in which IRs deal with the issue of potentially institutionally incompatible language. Outright rejections of particular vocabulary items, as we saw in Extract 3, has the potential to lead to a less co-operative exchange than acceptance and patience, as we see in Extract 4.

6. Epistemic bases in ABE RASSO interviews

Previous research (MacLeod, 2010, 2020b) focussing on clashes of understanding in police interviews with rape victims has identified that the two parties often demonstrate contrasting understandings of what constitutes evidence for knowledge, or contrasting *epistemic bases*. In the following extract from MacLeod (2010) for example, the IR is questioning around events that occurred as soon as the IE and the two men who accompanied her home arrived at her address. The IE has already mentioned the topic during the free narrative phase of the interview, and the extract begins with the IR reactivating that topic.

- 1 IR right (0.5) wh- when you said you'd come in and you'd ran
straight up the stairs to get into bed or on to the bed
because you felt ill •hh but you said that Gary: was on the
→ settee how did you know that he'd sat on the settee?
5 (3)
IE cos Steve had come up (.) for pillows for him (.) I knew he
was on the settee.
- IR → •hh so did you actually see him on the [settee]
10 IE [no]
- IR right=
15 IE =just Steve come up for pillows
(1)
IR [right]
- IE [unless]that was before I was sick or after I was sick (0.5)
20 IR → so at some point (0.5) Steve had came up and asked you for
pillows and [wh-]
- IE [and] some bedding (.) and I said it's all in
25 the cupboard (.) the bedding for the (.) •shih (1)
IR → and that was how you were aware that Gary was on the se[tttee]
IE [aye]

Extract 4. Conflicting epistemic bases, MacLeod (2010)

What is clear from Extract 4 is that for the interviewee, the fact that *Steve had come up for pillows* (line 7) is evidence enough that ‘Gary’ was on the settee (line 8). This does not seem to be an acceptable epistemic basis for asserting that knowledge as far as the IR is concerned. She pushes for whether the IE had *actually see[n] him on the settee* (line 10), in response to which the IE repeats that *no...just Steve come up for pillows* (lines 12 and 15). In seemingly only partial acceptance of that basis, the IR produces the formulation *so... Steve had came up and asked you for pillows... and that was how you were aware that Gary was on the settee* (lines 21-22 and 27-28).

This phenomenon is also evident in the current data; as well as having conflicting vocabularies, there is evidence that the IR and IE are often in disagreement about the criteria required in order to *know* something (i.e., what is an acceptable *epistemic basis*). In the following extract, the IE has reported that her attacker engaged in digital penetration, and the extract begins with the IR following this up.

- 1 IR °okay.° (2.0) (.hhh) >you say he's< (.) and then he
started to insert his fingers into your vagina?
(1.7)
- IE ((nods)) °yeh°
- 5 (0.7)
- IR → how do ya know it was his fingers?
(5.6)
- IE ((shrugs, gestures hands palm| up)) um (0.9) (.hh)
°just° assuming,
10 (1.6)
- IR °okay, (0.3) do you know how many fingers?°
(2.9)
- IR ((coughs)) excuse me
(1.7)
- 15 IE no
(2.6)

Extract 5. Conflicting epistemic bases (Transcript 1, F34)

The IR flags the IE's claim that her attacker had *insert[ed] his fingers into* [her] vagina as warranting an epistemic basis beyond the obvious with her question on line 6, *how do ya know it was his fingers*. For many people, particularly those with a vagina, this question may seem quite nonsensical: akin to asking someone with a mouthful of tea how they know it's tea, or asking someone looking at a cat how they know it's a cat. The IE responds how we might expect, with multiple disfluency features and non-verbal markers indicating she is struggling to produce an appropriate response to the question. Police expectations around epistemic bases, then, are often at odds with victims/survivors' experiences and understandings as manifested in their talk.

In the next extract, the IE is questioned around the epistemic basis for her assertion that *he must have taken my tights off and my dress* (lines 1-2).

- 1 IE I remember being on the bed and then him I said he must have
taken my tights off and my dress just all really really
quickly I remember him taking his shirt off really quickly
and then he was really cocky about him having a good body and
5 I just thought I don't like that about you I don't like that
about somebody at all and then I just remember him obviously
bring on top of me it all just happened so quickly
- IR → why must he have taken your tights and dress off
- 10 IE I don't remember doing it
- IR → but do you remember him doing it
- 15 IE .hhh hhh no

Extract 6. Conflicting epistemic bases (Transcript 8, F27)

When questioned on line 9 about how she knew that it was the suspect who had removed her tights and dress, the IE responds that it was through a process of elimina-

tion, *I don't remember doing it*, on line 11. This seems unsatisfactory for the IR, who in a but-prefaced question pushes for confirmation as to whether or not the IE has a specific memory of *him doing it* on line 13. In the literature the discourse marker *but* has been attributed a contrastive role, functioning to express contradiction with the preceding utterance and to mark the denial of expectation (Blakemore, 2002). Here, it elevates the implication that the pursuit of an answer to this question indicates a rejection of *I don't remember doing it* as adequately addressing the question of *why must he have...* (line 9).

Perhaps exasperated that her answer has not been treated as sufficient (note the rapid in-and-out breaths), the IE concedes that no, she does not remember the attacker removing her tights and dress (line 15). It appears that the clash of expectations around acceptable epistemic bases has the potential to cause conversational trouble and subsequent discomfort for victims/survivors as they attempt to relay their stories.

7. Conclusions: conflicting hermeneutical resources and competing epistemic bases = a recipe for epistemic injustice

The vast literature around procedural justice tells us that victims of crime place great importance on their treatment by the police – more so than they do on receiving a desired outcome from their report (e.g. Elliott, Thomas, & Ogloff, 2011). This paper has demonstrated how clashes between police interviewers and victims/survivors of rape, both in terms of vocabulary and in terms of bases for knowledge, have the potential to negatively impact on victims/survivors' experiences of investigative interviews. Together, these implicit disagreements can act as a constraint on the victims/survivors' ability to tell their story unimpeded and on their own terms, thus they constitute a clear form of epistemic injustice.

It is unclear how we might resolve such an injustice, since it is not merely an outcome of conscious linguistic choices on the part of interviewers but is embedded in their world-view: a world-view that is markedly different from that of the victims/survivors with whom they must successfully engage. In line with MacKenzie (2022) we maintain that the solution comes through education. Just as rape mythology can only be dismantled through a sustained campaign of raising awareness of the realities of sexual violence among, for example, jurors (Leverick, 2020), so too might an awareness of the lived experiences of RASSO victims/survivors enhance the ways in which police interviewers elicit their accounts. Operation Soteria Bluestone has already identified the importance of investigators acquiring specialist knowledge 'about sexual offending behaviour, the nature of rape contexts and its impact on different victims from different backgrounds informed by academic research' (Stanko, 2022, p. 24), and what this paper has demonstrated is that such educational efforts should extend to interviewing officers and their approach to gaining quality evidence without sacrificing victim/survivor welfare. We saw in the data that being challenged on the grounds of selected vocabulary or bases for knowledge often led to IEs audibly struggling with the interaction, and efforts to instil a victim-centred approach to RASSO investigations should take these dynamics – dynamics

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References

- Anderson, I., & Doherty, K. (2008). *Accounting for rape: psychology, feminism, and discourse analysis in the study of sexual violence*. London ; New York: Routledge.
- Antaki, C., Richardson, E., Stokoe, E., & Willott, S. (2015). Police interviews with vulnerable people alleging sexual assault: Probing inconsistency and questioning conduct. *Journal of Sociolinguistics*, 19(3), 328–350. Retrieved 2025-06-24, from <https://onlinelibrary.wiley.com/doi/10.1111/josl.12124> doi: 10.1111/josl.12124
- Baird, V. (2024). *The Baird Inquiry*. Retrieved from <https://www.greatermanchester-ca.gov.uk/media/9861/the-baird-inquiry.pdf>
- Blakemore, D. (2002). *Relevance and Linguistic Meaning: The Semantics and Pragmatics of Discourse Markers* (1st ed.). Cambridge University Press. Retrieved 2025-06-24, from <https://www.cambridge.org/core/product/identifier/9780511486456/type/book> doi: 10.1017/CBO9780511486456
- College of Policing. (2023). *National operating model for the investigation of rape and serious sexual offences*. Retrieved from <https://www.college.police.uk/national-operating-model-rasso>
- Drew, P., & Heritage, J. (Eds.). (1992). *Talk at work: interaction in institutional settings*. Cambridge: Cambridge Univ. Press.
- Elliott, I., Thomas, S. D. M., & Ogloff, J. R. P. (2011). Procedural justice in contacts with the police: Testing a relational model of authority in a mixed methods study. *Psychology, Public Policy, and Law*, 17(4), 592–610. Retrieved 2025-06-24, from <https://doi.apa.org/doi/10.1037/a0024212> doi: 10.1037/a0024212
- Fairclough, N. (1992). *Discourse and social change*. Polity Press.
- Fox, G. (1993). A comparison of 'policeseak' and 'normal speak'. In M. Hoey, J. Sinclair, & G. Fox (Eds.), *Techniques of Description: Spoken and Written Discourse* (1st edition ed., pp. 183–195). Taylor and Francis.
- Fricke, M. (2007). *Epistemic Injustice: Power and the Ethics of Knowing* (1st ed.). Oxford University PressOxford. Retrieved 2025-06-24, from <https://academic.oup.com/book/32817> doi: 10.1093/acprof:oso/9780198237907.001.0001
- Gregory, J., & Lees, S. (1999). *Policing sexual assault*. London: Routledge.
- Hall, P. (2008). Policespeak. In J. Gibbons & M. T. Turell (Eds.), *AILA Applied Linguistics Series* (Vol. 5, pp. 67–94). Amsterdam: John Benjamins Publishing Company. Retrieved 2025-06-24, from <https://benjamins.com/catalog/aals.5.06hal> doi: 10.1075/aals.5.06hal
- Halliday, M. A. K., & Matthiessen, C. M. I. M. (2004). *An Introduction to Functional Grammar* (3rd ed.). Edward Arnold.
- Haworth, K. (2015). The Discursive Construction of Evidence in Police Interviews: Case Study of a Rape Suspect. *Applied Linguistics*, 38(2), 194–214. Retrieved 2025-06-24, from <https://academic.oup.com/applij/article-lookup/doi/10.1093/applin/amv009> doi: 10.1093/applin/amv009
- Hepburn, A., & Bolden, G. B. (2017). *Transcribing for Social Research*. Thousand Oaks, CA: SAGE Publications.
- Heydon, G. (2005). *The Language of Police Interviewing*. London: Palgrave Macmillan UK. Retrieved 2025-06-24, from <http://link.springer.com/10.1057/9780230502932> doi: 10.1057/9780230502932
- HMCPSP /HMIC. (2007). *Without Consent: Thematic Report* (Tech. Rep.). Retrieved

- from <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/without-consent-20061231.pdf>
- Hohl, K., Johnson, K., & Molisso, S. (2022, September). A Procedural Justice Theory Approach to Police Engagement with Victim-Survivors of Rape and Sexual Assault: Initial Findings of the ‘Project Bluestone’ Pilot Study. *International Criminology*, 2(3), 253–261. Retrieved 2025-06-24, from <https://link.springer.com/10.1007/s43576-022-00056-z> doi: 10.1007/s43576-022-00056-z
- Home Office. (2024). *Crime outcomes in England and Wales 2023 to 2024* (Tech. Rep.). Retrieved from <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2023-to-2024/crime-outcomes-in-england-and-wales-2023-to-2024>
- Jackson, D. L. (2019). Date Rape: The Intractability of Hermeneutical Injustice. In W. Teays (Ed.), *Analyzing Violence Against Women* (Vol. 12, pp. 39–50). Cham: Springer International Publishing. Retrieved 2025-06-24, from https://link.springer.com/10.1007/978-3-030-05989-7_4 (Series Title: Library of Public Policy and Public Administration) doi: 10.1007/978-3-030-05989-7_4
- Jenkins, K. (2016). Rape Myths and Domestic Abuse Myths as Hermeneutical Injustices. *Journal of Applied Philosophy*, 34(2), 191–205. Retrieved 2025-06-24, from <https://onlinelibrary.wiley.com/doi/10.1111/japp.12174> doi: 10.1111/japp.12174
- Jordan, J. (2004). *The Word of a Woman?* London: Palgrave Macmillan UK. Retrieved 2025-06-24, from <http://link.springer.com/10.1057/9780230511057> doi: 10.1057/9780230511057
- Jordan, J. (2011). Here we go round the review-go-round: Rape investigation and prosecution—are things getting worse not better? *Journal of Sexual Aggression*, 17(3), 234–249. Retrieved 2025-06-24, from <http://www.tandfonline.com/doi/abs/10.1080/13552600.2011.613278> doi: 10.1080/13552600.2011.613278
- Leverick, F. (2020). What do we know about rape myths and juror decision making? *The International Journal of Evidence & Proof*, 24(3), 255–279. Retrieved 2025-06-24, from <https://journals.sagepub.com/doi/10.1177/1365712720923157> doi: 10.1177/1365712720923157
- MacKenzie, A. (2022). Why didn’t you scream? Epistemic injustices of sexism, misogyny and rape myths. *Journal of Philosophy of Education*, 56(5), 787–801. Retrieved 2025-06-24, from <https://academic.oup.com/jope/article/56/5/787-801/7000125> doi: 10.1111/1467-9752.12685
- MacLeod, N. (2010). *Police interviews with women reporting rape: a critical discourse analysis* (Unpublished PhD thesis, Aston University). Retrieved from <https://research.aston.ac.uk/en/studentTheses/police-interviews-with-women-reporting-rape-a-critical-discourse->
- MacLeod, N. (2020a). The discourse of (re)exploitation: female victims in the legal system. In C. R. Caldas-Coulthard (Ed.), *Innovations and challenges: women, language and sexism*. London New York: Routledge, Taylor & Francis Group. doi: 10.4324/9780429026140
- MacLeod, N. (2020b). Tell me in your own words...”: Reconciling institutional salience and witness-compatible language in police interviews with women reporting rape. In M. Mason & F. Rock (Eds.), *The Discourse of Police Interviews* (pp. 249–267). University of Chicago Press. Retrieved 2025-06-24, from

- <https://www.bibliovault.org/BV.landing.epl?ISBN=9780226647821> doi: 10.7208/chicago/9780226647821.001.0001
- Ministry of Justice. (2021). *The end-to-end rape review report on findings and actions*. Retrieved from <https://assets.publishing.service.gov.uk/media/60ed551c8fa8f50c6ef84fbc/end-to-end-rape-review-report-with-correction-slip.pdf>
- Ministry of Justice. (2022). *Achieving best evidence in criminal proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*. Retrieved from <https://www.gov.uk/government/publications/achieving-best-evidence-in-criminal-proceedings>
- Oxburgh, G. E., Myklebust, T., & Grant, T. (2010). The question of question types in police interviews: A review of the literature from a psychological and linguistic perspective. *International Journal of Speech, Language and the Law*, 17(1), 45–66. Retrieved 2025-06-24, from <https://journal.equinoxpub.com/IJSLL/article/view/10428> doi: 10.1558/ijll.v17i1.45
- REDACTED. (2011). *Operation Bluestone*. London: Home Office.
- Rock, F. (2001). The genesis of a witness statement. *The International Journal of Speech, Language and the Law*, 8(2), 44–72. Retrieved 2025-06-24, from <https://utppublishing.com/doi/10.1558/sll.2001.8.2.44> doi: 10.1558/sll.2001.8.2.44
- Romdenh-Romluc, K. (2017). Hermeneutical Injustice and the Problem of Authority. *Feminist Philosophy Quarterly*, 3(3). Retrieved 2025-06-24, from <https://ojs.lib.uwo.ca/index.php/fpq/article/view/3086> doi: 10.5206/fpq/2017.3.1
- Scully, D. (1990). *Understanding Sexual Violence: A Study of Convicted Rapists*. Harper Collins Academic.
- Silvestri, M. (2017). Police Culture and Gender: Revisiting the ‘Cult of Masculinity’. *Policing: A Journal of Policy and Practice*, 11(3), 289–300. Retrieved 2025-06-24, from <http://academic.oup.com/policing/article/11/3/289/2965270/Police-Culture-and-Gender-Revisiting-the-Cult-of-paw052> doi: 10.1093/policing/paw052
- Stanko, B. (2022). *Operation Soteria Bluestone Year 1 Report*. Retrieved from <https://www.gov.uk/government/publications/operation-soteria-year-one-report/operation-soteria-bluestone-yearone-report-accessible-version>
- Stern, V. (2010). *The Stern Review: an independent review into how rape complaints are handled by public authorities in England and Wales* (Tech. Rep.). Retrieved from https://www.womensaid.org.uk/wp-content/uploads/2016/01/Stern_Review_of_Rape_Reporting_1FINAL.pdf
- Stokoe, E. (2014). The Conversation Analytic Role-play Method (CARM): A Method for Training Communication Skills as an Alternative to Simulated Role-play. *Research on Language and Social Interaction*, 47(3), 255–265. Retrieved 2025-06-24, from <https://www.tandfonline.com/doi/full/10.1080/08351813.2014.925663> doi: 10.1080/08351813.2014.925663
- Thornborrow, J. (2002). *Power Talk: Language and Interaction in Institutional Discourse*. Routledge. Retrieved 2025-06-24, from <https://www.taylorfrancis.com/books/9781317879084> doi: 10.4324/9781315839172
- Tkacukova, T., & Oxburgh, G. (2020). Patterns of Cooperation between Police Interviewers with Suspected Sex Offenders. In M. Mason & F. Rock (Eds.), *The*

Discourse of Police Interviews. University of Chicago Press. Retrieved 2025-06-24, from <https://www.bibliovault.org/BV.landing.epl?ISBN=9780226647821> doi: 10.7208/chicago/9780226647821.001.0001

Walker, T., Foster, A., Majeed-Ariss, R., & Horvath, M. (2020). The justice system is failing victims and survivors of sexual violence. *British Psychological Association*.