Questions Forms and Functions in Forensic Interrogation:

A linguistic Approach

صيغ الاسئلة وانواعها في الاستجوابات الجنائية:
منظور لغوي

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Abstract

This study tries to explore what kinds of questions are asked and answered in police interrogations and what are their functions.This is a type of interaction which is composed mainly of questions and answers – each of which are used routinely as vehicles for other actions such as blaming/accusing and denials/defending. Police interrogation provides an ideal setting in which to study these phenomena; that is how 'questions' are constructed, and how 'questions are designed to perform (and hence be vehicles for) other actions. The study proves that the different types and functions of questions require different types of information from the suspect to complete their project; therefore, police detectives have to be trained on how and when to use such types of questions.

1. **Forensic Linguistics Defined**

Forensic linguistics is a relatively new field within the scope of the field of Applied Linguistics. It can be defined as the application of linguistic knowledge to a particular social setting, namely the legal *forum* (from which the *word forensic* is derived). In its broadest sense, we may say that forensic linguistics is the interface between language, crime and law, where *law* includes law enforcement, judicial matters, legislation, disputes or proceedings in law, and even disputes which only potentially involve some infraction of the law or some necessity to seek a legal remedy (Olsson, 2008:3).

Crystal (2008:194) defines forensic linguistics as the use of linguistic techniques to investigate crimes in which language data forms part of the evidence, such as in the use of grammatical or lexical criteria to authenticate police statements. The field of forensic phonetics is often distinguished as a separate domain, dealing with such matters as speaker identification, voice line-ups, speaker profiling, tape enhancement, tape authentication, and the decoding of disputed utterances.

From the above, forensic linguistics, legal linguistics, or language and the law, is the application of linguistic knowledge, methods and insights to the forensic context of law, language, crime investigation, trial, and judicial procedure. It is a branch of applied linguistics for a better understanding of the language of the written law, and language use in the different forensic and judicial processes.

2. **Scope of Forensic Linguistics**

Tiersma and Solan (2002: 221-39) accounts for some tasks of forensic linguistics which involved in many areas that relate to crime, both solving crime and absolving

people wrongly accused of committing crimes. Some of these areas of research and expertise include: Voice identification (*forensic phonetics*), Author identification (forensic stylistics), Discourse Analysis, Linguistic proficiency, Dialectology: Linguistic origin analysis, Linguistic veracity analysis,

The study of the language of legal texts encompasses a wide range of forensic text types and forms of analysis. Any text or item of spoken language can potentially be a forensic text when it is used in a legal or criminal context.

Olsson (2008:1-3) refers that among other things, this area examines language as it is used in cross-examination, evidence presentation, judge's direction, police cautions, police testimonies in court, summing up to a jury, interview and interrogation techniques, the questioning process in court.

Tiersma (2005) agrees with the above and argued that there are other areas of application have varying degrees of acceptability or reliability within the field which linguists have also provided evidence in, such as: Trademark and other intellectual property disputes, Disputes of meaning and use, Reconstruction of mobile phone text conversations.

Specialist databases of samples of spoken and written natural language (called corpora) are now frequently used by forensic linguists. These include corpora of suicide notes, mobile phone texts, police statements, police interview records and witness statements. They are used to analyse language, understand how it is used, and to reduce the effort needed to identify words that tend to occur near each other (collocations or collocates).

3. Interrogation

Police interrogation is now a well-established area of study within the forensic linguistic domain of language of the court and the judicial process and thus takes a worldwide dimension.

Interrogation is defined as a formal type of dialogue between two people where an interrogator makes questions for the purpose of acquiring some information that the person being interrogated presumably has (Walton, 2003:1772).

Royal and Schutt (1976:21) define interrogation as "the art and mechanics of questioning for the purpose of exploring or resolving issues". They also point that interrogation style is more formal than interviewing style.

It seems that the main purpose from conducting an investigation is Information-seeking. The information may be needed to assist a police investigation, or for security purposes, before an intended crime or terror activity is committed (Walton, 2003:1775). While Dillon (1990:75) asserts that "the purpose of interrogation is to obtain factual, truthful information about some criminal matter at issue".

Generally speaking, the questioner is generally an official. In cases of criminal interrogations, the questioner is generally a police officer. The respondent can be either a suspect or a witness. This suggests that the respondent who is a suspect is generally assumed to have ''something to hide'' in an interrogation. But suppose he is innocent, or is merely a witness, a person has nothing to hide, or so he thinks. If the police are officially questioning him in the police station in the guise of an official interrogation, is it really an interrogation or merely an interview. (Walton, 2003:1777).

4. Classification of Question

Several studies deal with the classification of questions. Goody (1978: 23) sees that the most general thing we can say about a question is that it compels, requires, and may even demand a response. Stenström (1984: 24–33) refers that the definition

and classification of questions raised mainly in studies focusing on the analysis of everyday conversation.

However, several classifications of questions exist, such as those proposed according to their grammatical and semantic criteria or even to functional basis such as:

4.1.   Quirk et al Classification

Traditionally, linguists have identified questions and their linguistic co-categories according to their formal features. In investigating the interrogator's production of question actions, we can depend on grammatical form, specifically, the interrogative sentence type, for determining whether an utterance accomplishes questioning, (Schegloff, 1984:34). Most of the major classes of questions identified by Quirk et al (1985) are used in interrogation.

Quirk et al (ibid.: 803) distinguish between four principal linguistic forms, each of which is characterized by a specific set of linguistic features:

1. Declaratives,
2. Interrogatives,
3. Imperatives, and
4. Exclamatives.

Thus, interrogatives, frequently identified as questions, have their own set of features, which distinguish them from other linguistic forms. What makes interrogatives different from declaratives, is subject/auxiliary inversion both in yes/no interrogatives – (1) "Is it clear?" and wh-interrogatives. Declaratives, on the other hand, have a subject which generally precedes the verb –(2) "Pauline gave Tom a digital watch for his birthday" (ibid.).

Quirk et al, (ibid.), categorise questions according to the type of answers they elicit. The authors delimit four main categories:

4.1.1.   Yes-No Questions

They are usually formed by placing the operator before the subject and giving the sentence a rising intonation. They expect affirmation or negation is in the form of Yes/No answer.

(3) Is it black? (ibid.: 807-10).

4.1.2. WH-Questions

Wh-questions expect a reply from an open range of replies. They are formed with the aid of one of the Wh-words, i.e., What, Where, When, Why, and How format. They generally have falling intonation and they may have an exclamatory function (ibid.: 817-23).

(4) What is it!

4.1.3. Alternative Questions

Alternative questions presuppose the truth of only one of the propositions distinguished   by   the   use   of   the   conjunction   "or", which propose alternative answers from a given range of options.

(5) Is it black or white?

There are two types of alternative questions:

i.   The first resembles a yes-no question except in intonation. Instead of the final rising tone, it contains a rising tone in each item in the list, except the last, on which there is a fall, indicating that the list is complete.
(6) Shall we go by bus or train? No, let's take the car. (ibid.: 823-4).
ii.   The second type of alternative question is a compound of a Wh-question and an elliptical alternative question

(7) Which ice cream would you like? Would you like Chocolate, Vanilla or strawberry? (ibid.).

4.1.4. Tag Questions

Tag questions are appended to statements, consisting of an operator and subject, for instance by adding variants of the tag "isn't" to the end of the questions from which agreement or confirmation may be expected. (ibid.:810-14).

(8) He is coming to the party, isn't he?

However, Tsui (1994: 77) argues that their classification rests on the formal criteria rather than the type of answers expected.

4.2.   Huddleston and Pullum Classification

Huddleston and Pullum (2002: 867) adopt Quirk's model of questions classification, but their terminology better reflects the semantic and pragmatic aspects of the type of answers expected:

i.   Polar questions (for yes/no questions),

(9) Are they going to the city?

ii.   Alternative questions,

(10) Are you ready or not?

iii.   Variable questions (for Wh- questions).

(11) Which car did you take to the city, the company car or yours?

Huddleston and Pullum (ibid.) emphasise that yes/no questions and alternative questions require only minimal replies and classify them as closed questions. Wh-

questions are then open questions as they do not limit the response boundaries to such an extent as closed questions.

4.3.   Response Classification

Another interesting classification considers the type of response that the question elicits. The term "elicitation", at first proposed by Sinclair and Coulthard (1975) and then modified by Tsui's (1994), accordingly, questions are classified whether the respondent is elicited to:

1. Inform.

2. Confirm.

3. Agree with.

4. Commit to.

The different types of classification of the questions described above are basically related to the semantic, pragmatic, syntactic and discursive meaning of questions in addition to the sociolinguistic field criteria or the conversational analysis approach. Yet, language varies according to the social setting. As Tracy and Robles (2009: 144) outline there is a "diversity of ways to conceptualize and study questioning [which shows how] institutionally embedded the practice of questioning is". A question can only be understood by considering the purposeful use of language and the knowledge of the world, or just the particular situations in which it is inserted (Pomerantz, 2005).

5. **Questions from Forensic Perspective**

Questioning occurs in a variety of settings such as public hearings, interviews, Police interrogation, dissertation viva sessions, etc. Police interrogation is one of the social settings in which questioning is embedded.

From a legal point of view, there are only four types of questions that can be asked during an examination:

a) Questions that call for a narrative response,

b) Questions that define the subject of response,

c) Questions that call for a specific response,

d) Questions that suggest the response. (Goldberg, 1982: 212).

During the process of interrogations, closed questions become especially important as the interrogators aim to restrict suspects and even witnesses in their replies. Studies on interrogation questions reflect the frequency of closed questions by separating two more major categories of closed questions: **declarative questions** (12) "this is it?" and **tag questions** (13) "It's nice, isn't it?". Quirk et al, as well as, Huddleston and Pullum consider these types of questions within the category of yes/no questions discussed in the previous sections.

To sum it up, open questions are thus Wh- questions, whereas closed questions are alternative questions, yes/no questions, declarative questions and tag questions.

Dillon (1990:75-93) classifies the different types of questions that are used in Police interrogation as follows:

1. Opening questions are usually used at the beginning of any interrogation process. They consist of simple **"closed questions"** that require a Yes/No or a short answer.
They are particularly useful for:

i. Checking facts.

ii. To elicit simple and quick answers.

iii. a way of maintaining control of the interrogation on the interrogator's side.

iv. The use successive closed questions can limit the opportunity for the suspect expand his/her answers.

A particular feature of closed questions is that any opinion can be turned into a closed question by adding tag questions such as "isn't it? "Don't you?" or "can't they?" to any statement as in the examples below:

(14) What is your job Mrs. Chad?

(15) What is your name?

   (16)Do you have any children?

2. Free narrative units, also named **"open questions",** are the opposite of **"closed questions"**. Their functions represented by:

i. They deliberately elicit long answers from the suspect.

ii. which usually provide detailed information that can be useful to the investigation.

iii. The suspect is given control of the interrogation with the opportunity of reflectingand providing his opinion and feelings.

iv. The length of the answer is an indicator of the suspect's cooperativeness in the interrogation. (ibid.:85)

They often begin with thewords: what, why, when, who, how, they describe, tell or give, usually as a way ofelaborating the answer to a previous closed question.

(17) I hear you were on the platform when the person near you fell onto the rails. Could you please describe what happened?

(18) Ok. All the evidences point at you, the knife, your bloody fingerprints, the duplicated key… So why do not tell me what happened?

3. Direct questions are characterized for being:

i. Specific, precise, usually brief and simply worded.

ii. They are usually formulated after a narrative question for the purpose of determining the specific information that was not elaborated with thenarrative question. (ibid.:85)

The elicited answer can be a narrative (by using what, how orwhy) or specific (by using who, when or where) .

(19) When you fought with the other person, did he hit you?

(20) Do you know who the man is?

4. Cross-Questioning of asking a question about information that has alreadybeen asked, however in a different way. The answer can be an exact repetition ofwhat was previously answered but very often this is not the case. They have many purposes such as:

i. To verify the consistency of previous answers.

ii. To ensure the accuracy of detailed information.

iii. A way of obtaininginformation that was not elaborated or even answered before(ibid.).

(21) When you went into the back of the shop, where was Jimmy standing?
(22) What did Jimmy do as you were going back there?
(23)Sorry, I don't quite understand -- what was Jimmy doing all this while?

5. Review Questions are used to summarize the information that was collectedbefore and to obtain the suspect's agreement. These types of questions can serveto:

i.   To obtain more information, usually by asking an open question of the type "Is thereanything else?" or "what else?".

ii.   To serve to close a topicbefore introducing another and even to end or close the interrogation(Ibid.).

(24)So Jimmy came out after William, is that correct?

(25)Is there anything else that you can tell me about this?

(26)What else were you expecting me to ask?

To sum up, what Dillon's classification seems suggestis the way in which thePolice interrogation should proceed. However, the ideal procedure is not always possible to be accomplished.

In addition to the above classification, there are other types of questions that are used by interrogators during the process of interrogation:

6.   Leading Questions
Kostelnik et al (2006: 295) account that leading questions among other techniques that used by police officers.

The functions of such questions are to provide maximum control over suspects and witness' response, namely its length (usually can be answered by yes or no only), and as the heading suggests it very importantly offers the 'right' answer. The

witness' chances of a persuasive appeal to the jury vanish as soon as this question is uttered.

(27) You had abandoned her as dead at 16.10, hadn't you?

(28) Do you have any problems with your boss?

In simple words, a leading question is one which tries to guide the respondent's answer. It is intentionally designed to make the respondent think in a certain way. A general guideline is provided by the court or police for defining the leading question.

Leading questions are very restrictive. The interviewer provides details, and suggests that these details are true. The use of leading questions is dangerous because it is difficult for the   witness to disagree, even if the interviewer is wrong. In return, the probability that the interview contains false information is high. For example:

(29) You want custody, don't you?

(30) The criminal is your friend, isn't he?

(Tanford, 2001:8; Lipton, 1977:90-5; Loftus, 1979:93-4)

7. Loaded Questions

Walton (2006:671) considers loaded questions as one of the police tactics that are used to represent the police power and dominance which are equal to much more other tactics such as coercion and other sorts of threats, incentives and tricks.

Walton (2003:1792) believes that complex and loaded questions can be reasonable, provided they come in the right order of questioning in a dialogue sequence. For example, suppose that in an interrogation, the respondent just admitted that he had abused his spouse. Then asking the complex and loaded question ''Have you stopped abusing your spouse?'' could be quite appropriate. Fallacious questions tend to occur when there is an unawareness of the complex or loaded nature of a question, and misleading conclusions are drawn from the asking and answering of the question.

In the inquisition, the aggressive use of loaded questions steers the accused, or the witness, towards a pre-determined admission of guilt. Thus heavy use of emotionally loaded language is characteristic of the questions used (ibid.: 1792).

This type of questions, which claims the epistemic authority of the questioner is regarded as

i.   An effective device for putting pressure onto the questioned party.

ii. It used to force the suspect, for instance, to confirm his connection with a specific action. (Bolinger, 1957:96; Stenström, 1984:47).

(31) Really? But there are no signs of forced entry?

  (32) All the evidence point at you, the knife, your bloody fingerprints, the duplicated key… So do not deny?

6. Conclusions

This study gives an insight into some of the questioning techniques utilized in the context of police interrogations. It shows how the detectives use 'questions' in accordance with the actions required by their respective roles.

This study is a contribution to how the detectives use the different kinds of questions for different functions. These different types and functions require different types of information from the suspect. For achieving their purposes which is extracting the information from the suspects to complete their project, detectives have to be trained on how and when to use such types of questions among other strategies of interrogation to get to their aim which is revealing the truth and closing their cases.

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صيغ الاسئلة وانواعها في الاستجوابات الجنائية: منظور لغوي

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الملخص:

تعد الاسئلة وطريقة توجيهها من اهم الوسائل المستخدمة خلال الاستجواب من قبل محققي الشرطة لكشف وايجاد الحقيقة. تحاول الدراسة الحالية تحليل الاسئلة وتصنيف الاسئلة انواع الاسئلة ووظائفها خلال الاستجوابات الجنائية في مراكز الشرطة.

تستخدم الاسئلة في هذا النوع من التفاعل البشري الاجتماعي كوسيلة رئيسية لاغراض اسناد وتوجيه الاتهامات وتحاول الدراسة اكتشاف ومعرفة طريقة تكوين وتوجية الاسئلة وانواعها ووظائفها من منظور لغوي.

تبين من خلال الدراسة ان كل نوع من انواع الاسئلة يستدعي ويبحث عن اجابة ومعلومات محددة من المتهمين او الشهود. وخلصت الدراسة الى ان الانواع الاسئلة المختلفة ووظائفها المتنوعة من اهم تكتيكات الشرطة خلال الاستجوابات الجنائية مما يستدعي من معاهد وكليات الشرطة انشاء برامج ودروس متخصصة لتدريب وتحقيق ضباط ومحققي الشرطة عن طريق الانخراط في دورات تخصصية حول التعرف على كيفية استخدام هذا النوع من الاسئلة في القضايا الجنائية التي تتطلب سرعة الوصول الى الحقيقة .