

Impact case study (REF3b)

Institution: Aston University
Unit of Assessment: 28 Modern Languages and Linguistics
Title of case study: Forensic linguistics: improving the delivery of justice
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Research carried out at the Centre for Forensic Linguistics (CFL) at Aston has achieved the following significant impacts:</p> <ol style="list-style-type: none"> 1. Casework: Reports for forensic investigations, and provision of opinion and evidence for police investigations, criminal trials and civil proceedings, have all contributed to verdicts of guilt or innocence and to judgements in civil and appeal Courts. 2. Policy development and training: Research findings have changed police practice in interviewing witnesses and suspects, and specifically in cases where there is an interpreted interview. Changes to Greater Manchester Police's (GMP) taking of non-native English speaker witness statements represents a significant, concrete example.
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Forensic linguistics is the application of linguistic methods and insights to forensic texts and contexts. In the census period, CFL comprised Prof M. Coulthard (MC 2005 - present); Dr Tim Grant (TG, 2007-present), Dr Krzysztof Kredens (KK, 2007 - present) who were all in post throughout the census period; Dr Kate Haworth (KH - employed at Aston 2009-present) and Dr Nicci MacLeod (NM - employed at Aston 2010-present). CFL achieves significant impact through thematic integration of diverse research outputs as a Centre, and thus we have elected to cite references and impacts from all CFL staff.</p> <p>This impact statement focuses on two areas of CFL:</p> <ol style="list-style-type: none"> 1. Development of theory and methods in forensic text analysis [Section 3: 1, 2, 4]. To meet criteria for the admissibility of evidence, forensic methods must be shown to be reliable and well-founded in theory. <ol style="list-style-type: none"> a) In addressing the theoretical requirement - MC [Section 3: 1] provides an understanding of idiolect and linguistic uniqueness and argues that this provides an essential underpinning to forensic authorship identification work. TG [Section 3: 2] addresses Coulthard and problematises the idea of a theory of idiolect in the context of linguistic evidence for a murder case, arguing here and elsewhere that authorship analysis rests on the lighter observation of individual consistency and distinctiveness of style. b) Forensic casework requires valid, reliable and rigorous methods. CFL research develops and evaluates methods for analysis involving longer texts, also texts of a few hundred words and short-form messaging, such as SMS text messages [TG, Section 3: 2]. Work funded by the UK security services has supplemented work applicable to sociolinguistic profiling [JG, Section 3: 3] through a concentration on identification of non-native writers of English first language (Native Language Identification or NLID) which research is being used to develop online monitoring systems [Section 3: research grants]. 2. Investigative interviews and the use of interpreters in legal settings. <ol style="list-style-type: none"> a) Primary research on manipulation by interviewers of rape-victim witness-talk [NM, Section 3: 4], and on the interview as a speech event and the evidential function of the interview [KH, Section 3:

5], complements and extends understandings derived from psychological research into the investigative interview, which tend to miss linguistic insights. For example, we track the transformations and reformulation of interview data as it passes from interview room to courtroom with conversions from spoken to written modes and back to spoken. Discursive analysis of interviews additionally reveals differences between interviewer and interviewee in their orientation to the future evidential uses of the data. Analysis of both the format and function of police-suspect interviews exposes potential flaws in their use and interpretation as evidence, especially given s.34 CJPOA 1994. Such research demonstrates how distortions can be largely overcome through increased awareness of the linguistic factors involved and this forms the basis of our police training;

b) Research shows the role of the interpreter in legal settings is rarely acknowledged and poorly understood by interviewing officers [KK, Section3: 6]. As detailed in section 4, these insights have produced training for interviewers and policy changes leading to improved practice.

3. References to the research (indicative maximum of six references)

Research grants:

NLID 2010 - 2012 Grant, T & Kredens, K - Native Language Identification Projects £162,840 for CFL contribution. MoD funded (in collaboration with Qinetiq and Lexegesys).

Publications:

[1] Coulthard, M. (2004) Author identification, idiolect and linguistic uniqueness. *Applied Linguistics* 25(4): 431-447. DOI: 10.1093/applin/25.4.431

[2] Grant, T. (2013) TXT 4N6: Method, Consistency and Distinctiveness in forensic analysis of SMS text messages. *Journal of Law and Policy* 21(2): 467-495.

[3] Grieve, J. (2012). A statistical analysis of regional variation in adverb position in a corpus of written Standard American English. *Corpus Linguistics and Linguistic Theory* 8: 39-72. DOI: 10.1515/cllt-2012-0003

[4] MacLeod, N. (2011). 'Risks and benefits of selective (re)presentation of interviewees' talk: Some insights from discourse analysis'. *British Journal of Forensic Practice* 13 (2): 95 – 102. DOI: 10.1108/14636641111134332

[5] Haworth, K. (2013) Audience design in the police interview: the interactional and judicial consequences of audience orientation. *Language in Society* 42(1). DOI: 10.1017/S0047404512000899

[6] Kredens, K., & Morris, R. (2010). Interpreting outside the Courtroom. 'A shattered mirror?' Interpreting in legal Contexts outside the courtroom. In M. Coulthard & A. Johnson (eds.), pp. 169-185. ISBN: 978-0-415-83723-1

These papers were all peer-reviewed before acceptance. Copies of all publications are available upon request.

4. Details of the impact (indicative maximum 750 words)

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CFL impact claimed here falls into two main areas – forensic casework and improvement in police policy, training and practice in their investigative interviews.

1. Forensic casework:

Impact through casework: Reports for forensic investigations, and provision of opinion and evidence for police investigations, criminal trials and civil proceedings, have all contributed to verdicts of guilt or innocence and to judgements in civil and appeal Courts.

MC, TG and NM are on the UK Serious and Organised Crime Agency Expert Advisors' database and are regularly involved in casework on stalking, sexual assault, murder and terrorism. This work involves analysis and expert report writing, sometimes followed by appearances in Court [Section 5: 1, 2, 3, 8]. In addition CFL has provided evidence in civil cases involving copyright infringement and unfair dismissal. We regularly communicate to police and wider user groups through training events and the media [Section 5: 8].

Our casework clearly has considerable significance for the victims of crime, for the accused, and for those engaged in civil battles. Evidence of impact can be found not only in guilty and innocent verdicts but also in summings-up and judgements. In one case involving fraud and extortion [R v Alder 2008 Peterborough Crown Court] the judge commented that "Dr Grant, the linguist for the prosecution, provided convincing and measured evidence [...] This evidence contributes considerably to the case against Mr Alder" [Section 5: 2]. Further, in a murder case where an appeal against conviction was lodged against the linguistic evidence provided by Prof. Coulthard, the Court of Appeal upheld the evidence [Hodgson, D. v [2009] EWCA Crim (31 March 2009)] indicating that Prof Coulthard's evidence was suitably cautious and, as appropriate, did not extend beyond the research base [Section 5:3]. This judgement provides a significant precedent for the continued acceptance of linguistic evidence in the Courts.

2. Policy development and training.

Impact through policy development and training: Research findings have changed police practice in interviewing witnesses and suspects, and specifically in cases where there is an interpreted interview. Changes to Greater Manchester Police's (GMP) taking of non-native English speaker witness statements represents a significant, concrete example.

Interpreter-mediated interviews are of specific interest to the UK police [Section 3: 6] and, although interviewers report difficulty with these interviews, national training structures do not address this problem. We have delivered courses in Greater Manchester Police, Gwent Police, and South Yorkshire Police (amongst other forces) to sensitise police officers to the complex issues involved and offer advice to interviewers on how to manage interpreter-mediated interaction [Section 5: 4, 8]. A good example of policy development has been with Greater Manchester Police who changed their processes and documentation for dealing with non-English speaking witnesses when signing their English language witness statements [Section 5: 5].

Directly as a result of CFL research in police interviewing [Section 3: 4,5,6], CFL became a founding partner of the **International Investigative Interviewing Research Group** (iIRG) dedicated to promoting interaction between police interviewers and researchers. Nearly half of the 400 members of iIRG are drawn from police forces from within the UK and 23 other countries, creating a forum for reaching police interviewers with the most relevant recent academic findings in the area. TG gave the plenary address at the inaugural meeting of iIRG in 2008, and in 2009 CFL

delivered the first iIRG MasterClass for an international group of police officers. This MasterClass fed back to police interviewers our research findings on linguistic insights into investigative interviewing such as those described above. Feedback from this MasterClass, received from an FBI agent nearly two years after the event, included the comment that “[the MasterClass] literally changed my life! Or at least how I do my job! [...] I use what I gleaned from the MasterClass all the time” [Section 5: 6].

CFL also draws on its research base to deliver bespoke courses with either a general or specific purpose. General courses include the annual **International Summer School in Forensic Linguistic Analysis (ISSFLA)** attended by police and other practitioners and academics. The ISSFLA has led directly to the propagation of forensic linguistic modules and programmes in universities internationally, and has built links with professional units in the German Federal Police, the FBI and UK police forces. One example of more specific training is that provided on the West Midlands Police On-line Undercover Policing Operations programme (run for groups of experienced undercover officers three times a year since 2010). This programme has changed the practice of officers engaged in undercover online work [Section 5: 7, 8].

5. Sources to corroborate the impact (indicative maximum of 10 references)

In providing evidence of impact we have avoided requesting references specifically for the REF process. Rather we believe material provided normally, as part of police quality control processes or as part of collaborative projects gives a more credible review of our work.

1. Reviews from SOCA. (Previously the database was run by the National Police Improvement Agency, the NPIA, and so some reviews show their branding).

These reviews comprise investigating officers ‘responses to CFL case work. After every case where we have been consulted, the investigating officer is asked to review the contribution of the external advisor. These reviews have not been solicited with a view to the REF process.
2. Email from barrister about Alder case.
3. Letter written by police officer praising MC’s evidence at appeal hearing (and criticising defence expert).
4. Letter from the Senior Police Officer in charge of interviewer training for the South and South West Policing Region. This letter was not requested for the REF but was part of a grant bid. It reflects on the importance of our work and its impact on police interviewing and interview training.
5. Copy from Greater Manchester Police of their new policy and witness statement form designed for non-English speaking witnesses.
6. Email from FBI agent concerning MasterClass.
7. Letter from the head of the West Midlands Police Tactical Intelligence Development Unit on the contribution of our training to their operational work. This letter was not requested for the REF but was part of a grant bid for a collaborative project.
8. See CFL website www.forensiclinguistics.net for full list of past cases, training events and media work.