

A Chance Encounter

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Roger Shuy has long insisted that to be a good forensic linguist one must first be a good linguist. Although now there are growing numbers of academically qualified forensic linguists, when my generation started out the discipline of forensic linguistics did not even exist and most of us began working on cases by pure chance.

Roger reports that his entry to forensic linguistics consultancy was through a chance encounter in a plane, mine was a chance encounter in a university corridor. Roger's involved intensive coaching by skilled lawyers, followed by three days of examination and cross-examination in the witness box; I was never even called to give evidence... But I get ahead of myself.

I spent the first 37 years of my academic life working in a university English Language and Literature Department. For my first 20 years, the majority of my students had little initial interest in studying English language having entered the department to study literature and then discovered there were some compulsory language classes, so I did my best to link the teaching of language analysis to the study of literature – linking phonetics to identifying sound patterning in poetry, lexis and grammar to features of prose style and the analysis of spoken discourse to dramatic effects. One of the topics seen to be more 'useful' was the identifying difference between real spoken interaction and pseudo-interaction on the stage which I exemplified by showing how the conversations in plays written by the popular contemporary playwright Harold Pinter, which audiences thought sounded like 'real people speaking', were also artificial.

I had a colleague whose academic specialty was also seen by many students to be peripheral. The Department was a leading centre for the study of Shakespeare and his contemporaries and the task of one of my colleagues was to teach students to read Elizabethan handwriting. One evening he was at a party and another guest asked him what he did. "Pretty boring really", he said "I teach students to read Elizabethan handwriting". "Fascinating", said the man, "I wonder if you can help me, I am a solicitor and I have a client accused of falsifying signatures on cheques – could you analyse the signatures and show they are not his?" So, my colleague became a Forensic Document Analyst, specialising initially in handwriting analysis and later in using a newly developed tool,

labelled ESDA for short, (**E**lectro**S**tatic **D**ocument **A**nalys**E**r), which allowed one to read the indentations on a given piece of paper, created by someone writing on a sheet resting above it – the significance of this will become clear shortly.

One day, in the mid-80s, my colleague passed me in the corridor and thrust into my hands what turned out to be an incriminating interview with a suspect, which had been recorded in handwritten form, as was the custom at the time, by a police officer and later typed up. Apparently, the accused, about to be tried for armed robbery, claimed the police had made up some of the utterances. “If you teach about the difference between invented and real interaction you should be able to say something about this” said my colleague. The accused’s solicitors commissioned a report and I struggled with the analysis. In the first five pages I could find nothing to suggest manipulation, but the final page was different. It read as follows:

Interviewer: I take it from your earlier reply that you are admitting been [sic] involved in the robbery at the M.E.B.

Suspect: You’re good. Thursday, Friday, Saturday, Sunday and you’ve caught me. Now you’ve got to prove it.

I could find no preceding incriminating “earlier reply” in the interview, to which the Interviewer could have been referring and the challenge to the Police by the suspect, “Now you’ve got to prove it”, was not only odd in itself, but different in kind from the co-operative, non-aggressive tone of all his previous replies. In my report I was able to draw attention to the discursual oddity of the two utterances which suggested that at least there was some text missing and thus undermining the evidential validity of the confession.

When the case went to court the Defence mounted an attack on the police. At the time there was an elite police group called the West Midlands Serious Crime Squad, two of whose members had interviewed the accused. The Defence produced an anonymous letter from someone claiming to be the wife of one of the officers saying “They write confessions in my living room at weekends”; there was evidence that this accused was not the only one who, in his interview, happened to praise the skills of the group, but the crucial evidence presented came from my colleague. I sat in court – as an expert witness I was allowed to do so – while he presented his analysis of the same interview record on which I had written my report.

At that time the British police conducted interviews in pairs, one asking the questions, the other making a written record of the interview, not just notes of the main points, as still happens in many jurisdictions world-wide, but a verbatim record of both the questions asked and the answers given. British Judges had indicated at the beginning of the 20th century that they wanted full access to the actual locutions, so they could decide the illocutions and perlocutions they conveyed. Physically the policeman/scribe would start with a pile of blank record sheets in front to him and write on the top one, when completed he would place it to one side and start on the next sheet. In so doing, he was, unwittingly, creating a multiple record of the interview, because apart from the top sheet, all subsequent sheets had not only a visible handwritten record but also an invisible indentation record of the page above – indeed, if the policeman pressed hard with his pen there could be a two-page indentation record. My colleague demonstrated to the court how, when processed by his ESDA machine, page 2 had an almost perfectly legible record of page 1 and so on until the final page, which, as I had previously noted,

was discursively odd. This final page did not have, as expected, a record of the previous page, but instead a record of what appeared to be an earlier non-incriminating version of the final page – in other words the final page had been re-written. This evidence of malpractice was unchallengeable; the judge stopped the trial immediately and dismissed the case. Within hours the Chief Constable disbanded the Serious Crime Squad, 52 officers were suspended and later disciplinary action was taken against seven of the officers, although eventually, despite significant opposition and protests from those who claimed they had been wrongfully convicted on other falsified evidence, none were prosecuted.

Although I was not actually called to give evidence, my name appeared in the press and soon letters began to arrive from prisoners claiming they too had been ‘verballed’ by police officers, and these cases gave me insight into some of the strategies used by police officers when acting as amateur dramatists and falsifying interview records and statements. It also meant that for quite a long time my colleague and I felt nervous whenever we noticed a police car in the rear-view mirror.

I also began to be contacted by solicitors with clients claiming wrongful conviction and journalists investigating historic cases of miscarriage of justice. Fortunately, although coincidentally, the major facilitator of these wrongful convictions, the handwritten police record, was phased out by the Police and Criminal Evidence Act of 1984, which required that all significant interviews with suspects be audio-recorded. Even so, the major cases I worked on in the 1990’s were all concerned with police falsification of written versions of oral evidence: the Birmingham Six and the Bridgewater Four appeals, both involving officers who were or had been in the West Midlands Serious Crime Squad and the Derek Bentley Appeal against a 1950’s murder conviction (see Coulthard *et al.* 2017, chapters 6, 8, 9).

So, in conclusion, to reprise Roger, I would say to any intending forensic linguist, first become a recognised expert in one area of forensic linguistic analysis, preferably computer-assisted and you won’t need to look for work; eventually the world will beat a path to your door. Although, one caveat, if you want to become a **full-time** forensic linguist, specialise in phonetics, so far there are very few people who can support themselves analysing texts.

References

Coulthard, M., Johnson, A. and Wright, D. (2017). *An Introduction to Forensic Linguistics: Language in Evidence*. London and New York: Routledge.