

Attitude performance and institutional talk in criminal interrogation

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This study examines police membership categorization in addition to investigator attitudes as they are constructed and performed within the process of interrogation (Benneworth, 2009; Stokoe, 2009, 2010). The data for this study consists of one, two-hour long interrogation between two sex crimes investigators (I1 and I2) and a fellow police officer and suspect of sexual assault (S). The ensuing interaction was analysed using conversation analysis, through the lens of discursive psychology (Potter, 1998; Potter & Edwards, 1999). The study looks at I1 and I2's attitudes as they are constructed and performed through discourse, (Potter, 1998; Wiggins & Potter, 2003) and at what this attitude performance seeks to achieve within the interrogation. Furthermore, it examines the way in which I1 and I2 utilize membership categorization through police-specific institutional talk. Finally, the study will demonstrate how these interactional elements align with certain components of the Reid Technique, an interrogative process used widely by police in North America (Ofshe & Leo, 1997; King & Snook, 2018).

*Keywords: attitude performance, institutional talk, discourse, membership categorization analysis, interrogation*

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## 1. Introduction

Police interrogations explicitly represent the nexus between discourse and power. In the North American interrogation room, language is used to convince, befriend, cajole and extract. Realities are constructed using specific linguistic and discursive tactics, creating the right conditions for a confession. Interrogators alternate between aligning their discursively constructed attitudes with the suspect, and challenging the veracity of the suspect's statements. (Ofshe & Leo, 1997; King & Snook, 2015; Vallano, Evans, Compo, & Kieckhaefer, 2015). This results in a fascinating discursive game, wherein interrogators construct a reality framework meant to inspire admissions of wrongdoing.

The data for this study comprises one, two hour-long police interrogation. The discursive tactics within these data include a well crafted *attitude performance* and the deployment of *patriarchal logic* (Matoesian, 1997; 2001). These tactics present and utilize clearly defined *membership categories* (Stokoe, 2012; Housley & Fitzgerald, 2015), which help to reveal information about the nature of the institution in question.

A North American police interrogation is a structured, strategic, singularly action-oriented institutional interaction (King & Snook, 2015). The Reid Technique, the interrogation method used by law enforcement in North America, necessitates the careful use of language and a precise discursive orientation, all of which deployed in order to elicit a confession (Ofshe & Leo, 1997; King & Snook, 2015; Vallano, Evans, Compo, & Kieckhaefer, 2015).

The Reid Techniques (henceforth Reid) expressed goal is an explicit one: obtain a confession. As Richard Ofshe and Richard Leo (1997) state in an analysis of false confessions: "Interrogations are, by design, relentless in their focus on moving the suspect to confess, and are insensitive to denials or protestations of innocence (p. 12). The technique trains officers in detecting deception, although studies have demonstrated that these methods

are not effective (Moore & Fitzsimmons, 2011). Moreover, Reid has shown to bias practitioners in favor of deception, i.e. they “detect” it more frequently than lay people (Moore & Fitzsimmons, 2011). Thus, The Reid Technique leaves it up to officer discretion to determine if and when to seek a confession. However, when the process of interrogation begins, elicitation of confession is an officer’s one and only aim (Ofshe & Leo, 1997; King & Snook, 2015; Vallano, Evans, Compo, & Kieckhaefer, 2015) .

The goal-oriented nature of a Reid interrogation makes it uniquely useful in examining what it is that is *done*, *achieved*, or *attempted* within interaction. Much of the theory surrounding discursive psychology’s notion of attitude relies on the implication of a lack of motivation or intentionality (Potter & Wetherell, 1987, 1988). Reid interrogations, however, have a clear intention, a documented action-orientation. Therefore, we can be certain about Reid investigators’ intentions. The presence of an explicit goal and a constructed attitude are not mutually exclusive, however; it is also not possible to surmise about investigators’ true, firmly held beliefs, assuming attitudes of that nature exist at all (DP scholars would argue that it does not) (Potter & Wetherell, 1988). In my view, a clear, documented action orientation simply makes the discursive construction of attitude that much more observable, and therefore that much more ripe for analysis.

In other words, it is possible to confirm what investigators intend to do with their discourse, rather than to simply surmise. Therefore, it is possible to draw conclusions about the content and the goals of a Reid interrogation that would be empirically impossible in other kinds of interactions. The paradigm of discursive psychology supplies examinations of action-oriented interaction with a coherent framework that looks not at intention or cognition, but at what is directly observable:said and what is done.

Attitude is exhibited, and indeed constructed, through discourse. While the majority of attitude research focuses on internal states and cognitive processes (Potter & Wetherell, 1987,

1988; Potter, 1998; Wiggins & Potter, 2003), it is impossible to do more than speculate about what is going on in someone's head. Moreover, since discursive psychology maintains that attitudes are constructed through language, and that language and discourse should therefore be the primary focus in attitude research (Potter & Wetherell, 1987, 1988; Potter, 1998).

For the purposes of this thesis, I suggest a term, *attitude performance*, which describes the process of discursively constructing an attitude and projecting it for the purposes of achieving an action. As Richard Bowman describes the notion of performance in his article "Language, Identity, Performance" (2000), performance in the linguistic sense is "situated, interactional, communicatively motivated" (p. 1). Put another way, linguistic or discursive performance is a thing that exists in the context of interaction with others. Therefore, the purposeful construction and projection of an attitude within an instance of interaction and in order to achieve a goal is best thought of as a *performance*. While in this case attitude is constructed and consciously performed, the word "performance" should not necessarily imply disingenuousness; whether these attitudes are truly held or not is not a concern of this analysis. What matters is what is observable.

### 1.1 Why police interrogation as the object of study?

Police interrogations, particularly those originating from North America, are rich sources of institutional interaction, action-oriented use of language, power dynamics, discourse and its real-time invocation and construction, and membership categorization. Moreover, North American police interrogations possess a great deal of *documented evidence* as to their discourses' underlying action orientation. In this way, interrogations present a unique opportunity to directly observe that which is often unobservable.

In addition to police interrogations' exhibition of uniquely observable phenomena, they are the site of a socially significant interactions, laying bare a discursive power struggle between *officer* and *suspect*. The discursive struggle between these two constituents reveals a

great deal about criminal justice (and, by extension, legal systems) on both a local and global scale. For example, it can demonstrate how institutional power translates to discursive power, and it can likewise show how institutional disadvantage manifests discursively. In practice, this reveals the way in which having the “discursive upper-hand” can affect text trajectories and their legal implications.

### 1.2 Why Conversation Analysis?

Conversation analysis allows for a detailed look at language, discourse, and the action-orientations found within a given interaction (Potter, 2004). It also looks at social organizations and practices as they are represented through interaction (Mazeland, 2006). As these are the primary concerns of this thesis, single-case CA (Mazeland, 2006), combined with discourse analysis in line with discursive psychology (Potter, 2003) is the appropriate method by which to analyse this data. Moreover, a fine-grained transcription can reveal details and their import that would likely go unnoticed by merely listening to an audio recording (Potter, 2004)..

### 1.3 Reflexivity

I have analyzed this data as an American, but as one lacking familiarity with the region and dialect in question. Moreover, I have lived outside of the US for nearly ten years. From an ethnographic standpoint, this position likely prevents full-fledged, insider access to the data. I have, however, spent a great deal of time examining police interrogations as a lay person. Although most of this examination was done outside of the parameters of academia, I have a certain degree of familiarity with police interrogations as a text type, as well as with Reid Technique conventions in practice.

Although I personally hold a critical view of the techniques used in this interrogation, I have attempted to eschew an explicitly critical position in my analysis. Despite this, there are critical elements to be found in my description of the Reid Technique, as well as in my



analysis of the data. Considering this, however, my hope is that I have allowed the data to speak for itself.

#### 1.4 Research questions

My research questions concern the interrogators' attitudes, how they are constructed, and to what extent they are performed for the purpose of eliciting a confession. Membership categorization figures prominently in the construction of these attitudes, so my final research question seeks to reveal in what way this is accomplished. They are:

- a. What are I1 and I2's discursively constructed attitudes and how are they performed?
- b. To what extent and in what ways does I1 and I2's attitude performance align with certain aspects of the Reid technique?
- c. How is membership categorization exploited in service of attitude performance?

The action-orientation of this interaction is, by its nature, extremely prominent. I am interested in what is accomplished, and likewise what is merely attempted, within this interrogation.

## 2. Theoretical background

The theory informing this study relies heavily on discursive psychology, membership categorization analysis, and the notion of patriarchal logic (Matoesian, 1997, 2001). The first two of these theoretical elements fall somewhere between theory and method (Potter, 2003; Stokoe, 2012). The last of these elements is a concept that is derived from a seminal study on legal discourse in an American context (Matoesian, 1997, 2001).

### 2.1 Discourse and language

Discourse is a term in possession of a broad array of definitions and understandings. I will use the term as it is used in discursive psychology, deriving largely from Wittgenstein's philosophy of language: a socially situated, action-oriented entity that can be examined on both a micro and macro level (Wittgenstein, 1958). As discursive psychologist Jonathan

Potter defines it, “Discourse analysis works with two levels of discourse construction. The first level concerns the way discourse is constructed out of words, idioms, rhetorical devices and so on. The second level concerns the way discourse constructs and stabilizes versions of the world” (Potter, 2004).

For example, take the following extract from Gregory Matoesian’s (2001) transcripts of the William Kennedy Smith rape trial:

Defence Attorney: And you were interested in *him* as a person.

(0.9)

Victim: He seemed like a *nice* person.

(0.5)

DA: Interested enough that tuh (0.5) to give him a ride home.

This set of turns can be analysed based on its discursive implications. Here, the defence attorney implicitly equates “interest” with consent to sexual activity. He does this by suggesting that her degree of “interest” must have been higher than she is letting on, since she agreed to give him a ride home. The victim’s supposed interest in the alleged perpetrator, the connotations inherently held in that interest, and the fact that she allowed him into her car and provided him with a ride, are pragmatic discourses which coalesce to form a larger discourse.

The action orientation of this discourse is to impeach the victim’s assertion that she was raped by suggesting that, in fact, the victim acted in ways that implied consent to sexual activity. The “version of the world” in which this discourse is situated is one where her actions necessarily imply consent in the first place. Moreover, it suggests that, once consent is given, it cannot be revoked; if the victim’s actions do indeed imply consent, and if it were then possible to revoke that consent, the defence attorney’s way of impeaching the victim’s credibility would not make sense.

## 2.2 Constructivism in psychology

Constructivism, or constructionism, are two somewhat interchangeable terms for a broad philosophical orientation, which claim that the tools we use to understand the world are socially constructed artifacts (Potter, 1996; Raskin, 2002). Moreover, human understanding of the world is itself inextricably linked, and continually constituted and reconstituted, through these socially constructed tools. Therefore, the world as we experience it is itself a construct, made up largely of our social experience (Potter, 1996; Raskin, 2002). Communication through language, and the resulting discourses that emerge, are the basis of human socialization. The primary function of discourse, then, is to serve as a tool in the creation of this reality (Potter, 1996; Potter, 1998; Raskin, 2002).

Discursive psychology (henceforth DP), a constructivist analytical structure, regards discourse as both the tool *and* the material that structures reality. While discourse serves as the building blocks that form our subjective perception of the world, it is also *action-oriented* (Potter & Wetherell, 1988). That is, discourse is deployed in order to perform actions, ranging from naming objects to making accusations, in addition to goals far more abstract and implicit. (Potter & Wetherell, 1988, p.169 - 170). Although deploying a particular discourse may or may not be conscious, the selection of linguistic resources forming the discourse in question is nevertheless an *active* process (Potter & Wetherell, 1988, p. 171 - 172).

This philosophical orientation sets DP at odds with an alternative paradigm: cognitivism. Cognitivism relies on the notion that human action is a direct result of thoughts, or “cognitive entities” (Potter, 2006, p. 131). Thoughts form attitudes, which are consistent, invariable “objects”. Thus, there is a causal relationship between cognition and attitude, and language is therefore the verbal manifestation of that attitude. In contrast, DP maintains that motivations and attitudes are constructed, negotiated through language, and cannot be thought of as a single, consistent “entity” (Potter & Wetherell, 1987; Potter, 1996; Potter, 1998; Potter, 2004; Potter, 2006). Indeed, what cognitivism considers to be the direct result of

thought, DP regards as distinctly inconsistent, constructed, and not reflective of mental processes. Because attitudes are negotiated through social interaction broadly, and through discourse more specifically, they are forever shifting and context-dependent (Potter, 1998; Pomerantz, 1984).

This is not to say that cognition does not exist, or that no connection exists between thoughts and language (Billig, 2006). Rather, internal states and their correlation to language production are unobservable (Billig, 2006). Furthermore, the labeling of attitudes, as Billig (2006) said of the labeling of psychological states, is to engage in “complex interactional activity” (p. 18). Language is complex, situated, active, and negotiates the way in which we perceive the world and ourselves. Hence, DP would have us examine attitude discursively (Billig, 2006).

A seminal study of attitude from a DP perspective is Margaret Wetherell and Jonathan Potter’s (1988) look at how 40 female and 41 male white New Zealanders discursively constructed their relationship to indigenous Maori people. This sample was large for a study employing discourse analysis, and it covered a wide range of age and political demographics. Wetherell and Potter went beyond traditional methods of measuring and identifying attitude by conducting interviews and by examining the implications of emerging discourses. This was a novel method, as “attitude” had typically been regarded as a cognitive state, measured using questionnaires (Wetherell & Potter, 1988). Perhaps the most notable thing about their findings was the way in which participants’ verbal representation of attitudes varied a great deal depending on the discursive context (p. 175). In other words, statements given by the same participant reflected wildly different attitudes with regard to racism, the Maori people, and related policies. This strongly suggests that “attitude” is not an underlying, consistent cognitive state, but rather a discursively constructed, context-dependent, and action-oriented notion (p.175).

This study's central finding informs this thesis, primarily in the sense that what is *said*, particularly about attitude, is what is *done* or *attempted* rather than reflective of an internal mental state. This is a useful notion to employ in analyzing police interrogations, because the action-orientation of a Reid interrogator's language is explicit (King & Snook, 2015). It is useful then to analyze precisely what actions their attitude discourses are attempting to accomplish.

Inconsistency necessarily implies variability. In fact, Jonathan Potter considers variability to be one of DP's central notions (Potter & Wetherell, 1987; Potter & Wetherell, 1988; Potter, 1998). That is, attitudes, as they are constructed through discourse, can change even within the span of one interaction, or even one utterance (Potter, 1998). This is linked to the action orientation of discourse and by extension attitude; the variability of attitude as it is constructed through discourse is directly linked to its action orientation, or what it seeks to accomplish, as noted in the aforementioned study (Potter & Wetherell, 1988). Based on their findings, Potter and Wetherell suggest that variability should, then, be a key analytical focus in the field of discourse studies.

DP possesses the qualities of both a paradigm and of a methodology (Potter, 2003). At its core, DP respecifies the notion of attitude; it argues that attitudes are constructed through discourse, and that discourse is deployed as action. DP deviates from more traditional sociocognitive approaches, which are concerned with mental processes, by focusing on what is said, what is thereby constructed, and what is consequently accomplished (Potter & Hepburn, 2005). According to DP, discourse is action-oriented, and it is situated in as well as constructed through interaction (Potter & Hepburn, 2005).

DP began to emerge as a paradigm in the mid to late 1980s with Margaret Wetherell's seminal work on attitudes regarding gender in the workplace (1987). Through this research, Wetherell defined "practical ideologies", later "interpretive repertoires" both of which refer to

a complex system of attitude orientations, developed through discourse (Wetherell, 1987); (Potter & Wetherell, 1987); (Weatherall, 2016). The notion of practical ideologies and interpretive repertoires highlights DP's grounding in poststructuralism and constructionism (Weatherall, 2016), asserting that attitudes are not simply a creation of cognitive processes, but that they are inextricably linked to the power structures that characterize the context in which they develop and exist. Subsequently, Potter and Wetherell further respecified the notion of attitude through interviews with New Zealanders regarding the Maori people; these interviews further revealed that attitude is not a consistent, cognitive state that can be then explained and described, but rather a fluid phenomenon that is constructed through discourse in a specific context in order to perform a specific action (Potter & Wetherell, 1987).

DP draws much from conversation analysis, a rigorous analytical method through which to examine the discourse, pragmatics, and turn-taking of talk-in-interaction. DP, then, is typically highly empirical and concerned with matters of micro (interaction-specific) significance. It is, however, also concerned with macro discourses that contain larger significance. In other words, both disciplines are concerned largely with language-in-use (Kasper & Wagner, 2014); (Kent, or Edwards?); (Weatherall, 2016). Likewise, both are interested in discourse rather than cognition. That is to say, both CA and DP treat interaction as separate from and not necessarily reflective of mental processes (Potter, 2006).

### 2.3 Patriarchal logic and the Reid Technique

In his writings on the William Kennedy Smith rape trial, Gregory M. Matoesian (2001) invokes a concept that he calls "the patriarchal logic of sexual rationality", or the imposition of arbitrary, male-centered standards on the notion of sexual desire and, by extension, consent to sexual activity. Patriarchal logic is encoded in the linguistic ideologies that inform the way we talk about sexual activity, as well as the events and behaviors that precede it (Matoesian, 2001). As he describes it: "If a woman had had sex with the man

before, if she was intoxicated, if she kissed him, if she was out till the early morning hours, if she went to his apartment or home, if she had found him attractive or interesting, if he was an acquaintance, date, or friend, then the woman has, to varying degrees, consented to sexual access” (Matoesian, 1997 p. 58). Matoesian explores the “covert and strategic discourse practices” (p. 41) that contain and exploit patriarchal logic within the Kennedy Smith trial proceedings. In Matoesian’s view, this ideology should not be treated as a larger societal ideology, although it may function that way, too; rather, Matoesian prefers to examine the way in which the ideology and its resultant language practices are situated within this instance of courtroom action.

The other side of the coin of patriarchal logics is the discursively situated concept of female logic - this logic being one of *irrationality*. Indeed, patriarchal logic and the discourse that surrounds the trauma of rape appears to include prescribed behavior patterns which, if deviated from, challenge the very existence of trauma and, therefore, impeach the truth of a victim’s story about an assault. In a trial, a victim’s actions prior to the incident are framed using patriarchal logic, e.g. that the victim’s interest in the perpetrator necessarily implies consent, and those after the incident using the female logic, e.g. that she failed to remove an article of clothing and therefore also failed to display sufficient disgust at the situation (Matoesian, 1997; 2001). With regard to a woman who has failed to remove her panties after an alleged rape, Matoesian states: “If a woman is raped, then she should feel dirty; and if she feels dirty, then she should take off the panties. On the other hand, if the woman feels dirty but fails to remove the panties, then the locus of feeling dirty lies, *irrationally* (emphasis mine), elsewhere” (p. 45).

In one trial extract, Kennedy Smith’s defense attorney questions the victim about her interest in the defendant as well as her perception of his interest in her. Matoesian (2001, p. 58-59):

Example 8A

DA: And he thought that he was *interested?* in you.

(0.6)

V: I don't *know*.

(.)

DA: As a person (0.8) right?=  
 (=)

V: =I could understand what he was talking about about medical school.

(.)

DA: And you were interested in *him* as a person.

(0.9)

V: He seemed like a nice *person*.

This extract is an example of patriarchal logic at play. This line of questioning impeaches the victim's credibility along these logical lines; *interest* implies *consent*, which discredits the victim's accusation of rape, establishing instead that sex did occur, but was consensual (Matoesian, 2001, p. 58 - 60). The victim destabilizes this logic by referencing neutral sources of interest, such as medical school, and that she assumed Kennedy Smith was a "nice person". Despite this, the framework of patriarchal logic - that her "interest" in him coupled with her knowledge of his "interest" in her suggests that sex was an obvious expectation - still pervades this set of turns. (Matoesian, 2001, p. 58 - 60).

When invoked, patriarchal logic frames the speech and actions following an alleged rape as being either *logical* or *irrational*. Irrational words and actions suggest inconsistency in the victim's story and, therefore, can be used to challenge her story's veracity. Additionally, they serve to attribute feelings of *regret* and ulterior motivations to the accuser (Matoesian, 2001, p. 42). This makes it an effective tool in cross-examination, a context in which challenging a witness's veracity is the goal. Challenging her story's veracity serves to re-



categorize an alleged victim as a non-victim. The utility of this tactic differs between trial and interrogation contexts, although its purpose is performative in both. Namely, when an interrogator discursively deploys patriarchal logic, she does so to minimize the alleged offense in an effort to build a rapport (Ofshe & Leo, 1997; King & Snook, 2015; Vallano, Evans, Compo, & Kieckhafer, 2015) with a suspect. I will demonstrate that it can also be a tool of interrogation, according to the standards of the Reid technique.

Matoesian's purposes were slightly different than my own, and his work examines a context which is inextricably linked, yet slightly different all the same, from a police interrogation room. Nevertheless, his notion of patriarchal logic appears often throughout the police interrogations that I have examined. The primary difference as I see it is in the nature of the performative elements in each set of data. Kennedy Smith's attorney's invocation of "interest" in his line of questioning represents a performative strategy deployed for the benefit of a jury, as is characteristic of trials in an adversarial system (Komter & Malsch, 2012). An interrogator's use of performance is not for the benefit of a third party, but rather for the suspect she is questioning (King & Snook, 2015). Indeed, an interrogator may perform an attitude orientation which either does or does not subscribe to patriarchal logic for the express purpose (action) of eliciting a confession.

Although the respective nature of *in situ* attitude performances differ, police interrogations and cross-examinations belong to the same text trajectory (Rock, 2013; Komter, 2013). In other words, interrogations are performed and recorded (in the US system, typically this includes both audio recorded and written documentation) and are subsequently used within the "textual chain" that exists within the legal system (Rock, 2013). In a practical sense, this means that interrogations can be, and often are, used as evidence in the indictment of a suspect and in the subsequent trial phase (Komter, 2013). That is, when considered

together, these interrelated legal contexts have a sort of “macro” action-orientation, all working together towards the larger goal of processing a suspect through the legal system.

A major theme of the interrogation that is analyzed here is calling the validity of officers’ actions into question. There is a precedent for analyzing discourse of this sort within the legal text trajectory. Sigurd D’hondt’s article “Good Cops, Bad Cops: Intertextuality, Agency, and Structure in Criminal Trial Discourse (2009) discusses the way the competence of police is both defended and questioned in a trial context. D’hondt notes the intertextuality of pre-trial discourses, which are recontextualized in-trial as evidence supporting or refuting the commission of a crime. The use of discourse as evidence in a criminal trial similarly characterizes the text trajectory of police interrogations. Likewise, the officer’s conduct during the event is linked to the alleged commission of the crimes in question.

The Reid Technique is a method of interrogation used by law enforcement in the USA and Canada (King & Snook, 2015). It was created by Fred E. Inbau and John E. Reid during the 1940s and 1950s (Buckley, 2015). For decades, the Reid Technique has been taught to police officers through literature and seminars all over North America (Buckley, 2015). The Reid model consists of nine chronological steps, but they are almost never used this way; most interrogators use various elements of the nine steps as they see fit (King & Snook, 2015). Although Reid makes a distinction between *interviews* (non-accusatory) and *interrogations* (accusatory, meant to elicit confession), in practice, this distinction is rarely made, and their respectively associated techniques are used interchangeably (Buckley, 2015; King & Snook, 2015). For this reason, I will exclusively use the term “interrogation”.

Prior to the creation of the Reid Technique and its ubiquity in the North American justice system, a technique known as the “third degree” was the primary method of interrogation (Ofshe & Leo, 1997). This technique employed physical violence and torture (Ofshe & Leo, 1997). In the 1930s, American law enforcement began to move away from

physically abusive interrogation methods and towards psychological ones (Ofshe & Leo, 1997). The overt threats and promises of the third degree became “pragmatic implications” (Ofshe & Leo, 1997), or discursively constructed outcomes, conveyed through covert means.

Reid emphasises deception detection and confession elicitation (Ofshe & Leo, 1997; King & Snook, 2015). It has two primary concepts which should be utilized in an interrogation: *minimization* and *confrontation* (Ofshe & Leo, 1997; King & Snook, 2015). Minimization refers to when an interrogator discursively minimizes a suspect’s alleged crimes, providing justifications or perhaps even excuses for criminal behavior (Ofshe & Leo, 1997; Moore & Fitzsimmons, 2011; King & Snook, 2015). The purposes of this is to provide suspects with a face-saving version of events to which they might feel more comfortable confessing than the crime investigators believe took place (King & Snook, 2009, p. 677). Confrontation takes place when an interrogator confronts a suspect with evidence (whether real or fabricated) of his guilt (Ofshe & Leo, 1997; Moore & Fitzsimmons, 2011; King & Snook, 2015). Before any of this can be done, however, an investigator must first build a rapport with the suspect (Vallano, Evans, Compo & Kieckhaefer, 2015). “Building a rapport” in the context of North American criminal interrogations refers to the act of performing verbal and nonverbal cues that help inspire a positive opinion of and trust in the interrogator on the part of the suspect. Self-disclosures, or revealing certain relevant, personal details to a suspect, plays a major role in this sort of rapport building (Stokoe, 2009; Vallano, Evans, Compo & Kieckhaefer, 2015). All three of these techniques are performed with an underlying assumption of guilt in an attempt to elicit self-incrimination or a confession (King & Snook, 2015; Vallano, Evans, Compo & Kieckhaefer, 2015).

Much of the discourse / conversation analytic work that has been conducted on police interrogations has been done in Europe, where law enforcement use a descriptive form of interrogation, as opposed to the highly goal-focused, confession-eliciting Reid technique

(King & Snook, 2015; Komter, 2003; Benneworth, 2009). Nevertheless, much can be learned from these studies in the talk-in-interaction of criminal interrogations.

Martha Komter (2003) has looked at the interactional features of police interrogations in the Dutch context. She outlined four stages in the elicitation of a confession to theft. First, the interrogator alternately expresses “distrust and acceptance” (p. 433). Second, he challenges the suspect’s version of events by providing more an alternative, more “logical” series of actions. Third, both the interrogator and the suspect exhibit “interactional caution” (p. 433). Finally, the suspect attempts to solve the interrogator’s “puzzle” (p. 433) and begins guessing at what he wants to hear. This process results in a confession. Although the four stages that Komter outlines do not correspond directly with Reid Technique interrogations (Ofshe & Leo, 1997; Moore & Fitzsimmons, 2011; King & Snook, 2015) they share features, particularly with those Reid interrogations which result in false confessions.

Following analyses of police interviews of paedophile suspects in the UK, Kelly Benneworth (2009) conducted a single-case discourse analysis of one such interview. A different police interview structure is used in the UK, known as PEACE (Preparation and planning, Engage and explain, Account, Clarification, challenge, closure, and Evaluation) (Benneworth, 2009, p. 566). Unlike Reid, this model emphasises the collecting of information over the acquisition of a confession, and it is therefore less confrontational. Still, Benneworth noted that police interviews purporting to use the PEACE model were overly focused on bureaucratic legal language, and that they did not allow suspects to tell a cohesive, uninterrupted narrative of the crime without interruption (Benneworth, 2009). This demonstrates investigators’ ability to affect the outcome of an investigation and to influence the narrative of a crime.

### **3. Methodology**

I am interested in performing so-called close readings of the language used in the process of interaction. By “language” I mean lexical and grammatical choice as pragmatic concerns, discursive patterns, and broader the discourses which emerge within interaction. Therefore, I have chosen conversation analysis as a way to look closely at the language of this interrogation, and to provide a relatively fine-grained analysis of it. I should note, however, that I am less concerned with the structure of turns (Schegloff, 1987; Mazeland, 2006) than I am in what a given turn seeks to accomplish.

### 3.1 Discursive psychology

Written about extensively in the literature review section of this thesis, DP falls somewhere between a method and a paradigm (Potter, 2003). According to Potter, it is not “a free-standing set of data-generating and data-analytic procedures” (2003). Rather, DP is comprised of “theoretical assumptions” and a refusal to separate the notion of discourse and human behavior (Potter, 2003). Furthermore, it is both a “paradigm” and a “method” that likely should not stand on its own; therefore, DP practitioners enthusiastically mix methods (Potter, 2003).

The primary theoretical assumption that informs DP’s partial status as a paradigm and method is: *discourse is action* (Potter & Wetherell, 1987, 1988; Potter, 1996; Potter, 2003). Discourse should be thought of as action on a theoretical basis and in the midst of doing an analysis.

### 3.2 Conversation analysis

I have chosen to analyse my data, which consists of one, two-hour interaction, using conversation analysis (henceforth CA). CA is a method of analysis which transcribes talk-in-interaction in order to identify patterns and phenomena therein (Schegloff, 1987). CA can be used to analyze large data corpora, in which generalized patterns and structures are established as well as single instances of interaction (Mazeland, 2006). These are *collection*

*studies* and *single case analyses* respectively, (Mazeland, 2006). This study belongs to the latter category.

The word “conversation” is slightly misleading; CA does not necessarily look at “conversations” as such, although its potential data comprises that, too (Schegloff, 1987; Mazeland, 2006). In practice, “conversation” acts as shorthand for the more broad and inclusive term “talk-in-interaction” (Mazeland, 2006). It acknowledges, however, that conversation is the basic, “primordial” unit of talk-in-interaction (Schegloff, 1987).

Social action is often achieved through talk-in-interaction, and this is a fruitful topic of discussion for CA practitioners (Goodwin, 2000). The social action of interaction is something that individuals achieve together through shared semiotic resources and collaboration (Goodwin, 2000).

### 3.3 Membership categorization analysis

In essence, membership categorization analysis (henceforth MCA) looks at the organization of categories within interaction (Stokoe, 2012; Fitzgerald & Housley, 2017). Discourse necessarily makes reference to categories, which often coalesce into ‘devices’, or systems of categories that, when appearing side-by-side, automatically form an association; examples of this are “mommy and baby” or “husband and wife”(Stokoe, 2012; Fitzgerald & Housley, 2017). In the case of the previous two examples, the “mommy and baby” and “husband and wife” are thought to be co-members of the same family, an overarching device that serves to categorize them together (Stokoe, 2012; Fitzgerald & Housley, 2017).

Elizabeth Stokoe has written extensively on a large corpus of police interview data collected in a constabulary area of the United Kingdom, and has used MCA as a method to analyze much of this data (Stokoe & Edwards, 2008; Stokoe, 2009, 2010). For example, she has examined the function of police self-disclosures based on their placement within conversational turns (Stokoe, 2009). Furthermore, she noted the way in which membership

categories shifted and realigned as a result of self-disclosures. This demonstrated an officer's knowledge of a particular shared experience, and also effectively negated the primary status of the standard relational pair *officer* and *suspect*, instead granting primacy to shared categories (Stokoe, 2009).

Using the same data set, Stokoe (2010) analyzed interviews in which men denied committing intimate partner violence. She describes these denials as "category-based denials" (Stokoe, 2010). Men in this data set denied association with a given category (e.g. men who hit women) as a means of denying that they committed assault. This type of category-based denial serves to reject association with one category in order to underscore association with another (Stokoe, 2010).

In her defense of MCA as a method, Elizabeth Stokoe (2012) outlines several MCA-associated concepts that may be helpful in an MCA analysis (p. 281). Those which I will be applying in my own analysis are the following:

1. Category-bound activity

These are actions that are associated with a category in situ - or indeed "bound" to it. For example, in Stokoe's article on denials of domestic abuse, the act of hitting a woman categorizes one as someone who *would* hit a woman. Denying membership in this category (as someone who would hit women *in general*) also serves to deny having committed the category-bound activity of hitting a woman (Stokoe, 2010).

2. Category-tied predicate

These are characteristics associated with a given category. For example, the men in Stokoe (2010) categorize men as *strong* and women as *weaker*, therefore rendering male-on-female assault as morally questionable (p. 67).

3. Standardized relational pairs

Stokoe describes these are two categories which are associated, and indeed belong to

the same membership categorization device or “family”. She also suggests that the two base categories are bound by a shared “moral duty” or obligation, such as “mother and baby” (2012, p. 281). However, I will deviate from this second notion, as there is a precedent for doing so; standardized relational pairs can be thought of merely as *suggesting* one another (Housley & Fitzgerald, 2015 p.9). The standardized relational pair that I will refer to is that of *officer* and *suspect*.

#### 4. Duplicate organization

These are two categories that function together in a “team-like” manner. For example, an interrogation officer and a patrol officer might work together as colleagues to solve a crime. These “slots” represent categories that function as members of the same larger category within a team-like structure.

Use of categories, the way in which they coalesce into devices, and the assumptions made about them and their associations, serve as useful analytical complements to conversation analysis. In other words, MCA can be used as an empirical framework through which to examine the discourses that underlie interaction (D’hondt, 2013; Stokoe, 2012). MCA, then, can provide CA with a means to empirically analyze contextually situated power structures; this allows CA to implement its methodology in the analysis of subjects which are otherwise considered to be the domain of critical discourse analysis (Stokoe, 2012).

#### **4. Data**

The data for this study consists of a two hour-long interrogation video, in which there are two interrogators (I1 and I2) and a suspect (S), who also happens to be a police officer. S has been accused of at least two sexual assaults while on routine traffic stops. I1 conducts the bulk of the interrogation, while I2 also participates in asking confrontational questions and in providing commentary. Despite the fact that I2 appears first in the interrogation, I have decided to designate the pseudonyms “I1” and “I2” based on a hierarchical order: I1 takes the



lead and I2 assists. S never confesses or admits wrongdoing. Approximately the first hour of the video was transcribed using CA conventions.

#### 4.1 Acquisition of the data

I discovered the interrogation video on YouTube, where it was posted legally in accordance with The Freedom of Information Act, a US law that ensures the availability of legal and political documents. In order to bypass any legal conflicts concerning YouTube's terms of service, however, I contacted the legal team responsible for S's defence. They provided me with their digital copy of the video, which they acquired according to the rules of discovery from the police department in question. It was this copy of the video that I used for transcription.

#### 4.2 Ethical concerns regarding data

As this case was reported on extensively in the media and in other studies, I do not believe that this research will expose the video's constituents to any undue attention or scrutiny. I have, however, made efforts to pseudonymize the data to the greatest possible extent. This is why names, locations, and other forms of identifying information have been redacted.

In addition to this, I took the necessary steps to ensure that my processing of this data was compliant with the European Union's General Data Protection Regulation. I completed a DPIA (Data Protection Impact Assessment), in which I evaluated my means of processing the data and the impact that processing might incur. I then composed a privacy notice, or a document outlining the legal grounds under which I am permitted to process the data. I then sent this document to the suspect's legal team and to the police department that handled this case.

I both hope and believe that this study will not affect the lives of the individuals appearing in the video in any meaningful way.

### 5. Data analysis and discussion

What follows are extracts from transcripts of the interrogation video, accompanied by my analysis of them. First I discuss the discursive technique through which the speakers build rapport: institutional banter and membership categorization as attitude performance (5.1.) and specific forms of categorization work as well as a performed attitude of leniency (5.2). Next, I discuss how the opposition between the categories of *officer* and *suspect* emerges within both rapport-building and confrontation (Ofshe & Leo, 1997; King & Snook, 2018) and patriarchal logic (Matoesian, 2001) (5.3). Next, I discuss sexually explicit language and patriarchal logic (5.4).

#### 5.1 Institutional talk and membership categorization as attitude performance

One thing that makes this interrogation unique among others like it is that all of its constituents are police officers. S is a patrol officer, or one who “patrols” the streets of his district, “keeping the peace” and conducting routine traffic stops. I1 and I2 are detectives who work in the sex crimes unit.

I1 and I2 engage S in several friendly discursive exchanges, particularly at the start of the interrogation. Take this extract from the very beginning of the video:

1	I2	welcome to our domai::n
2		now whats your first name
3	S	REDACTED
4	I2	REDACTED
6		okay REDACTED just have a sitn' here
7	S	kay
8	I2	a::nd [you gotta piss or anything]
9	S	[which seat would you like]

- 10 I2 you can have a sit there (.) that's probly
- 11 S I dunno I could hold it i'm not (inaudible)
- 12 I2 ((laughs)) a'aight
- 13 S ((searching for a place to sit)) i'm just
- 14 I2 i'm gonna (.) run on out u:h wherever's more comfortable man (.)
- 15 that'll work
- 16 S okay

When I2 leads S into the interrogation room, he welcomes him and introduces the setting as “their domain,” (line 1) elongating the final syllable. This statement is pragmatically curious; logically speaking, I2 is welcoming S to his own interrogation. Contextually, however, I2 is welcoming a colleague to a division within his department that he has, presumably, never visited. When I2 asks S for his first name (line 2), it is clear that they have not previously met, further supporting this reading of the statement. In the midst of negotiating where S should sit, I2 asks if he has to “piss” (line 8). I2’s decidedly casual lexical choice suggests familiarity between these interlocutors, though it is likely that none exists. S likewise responds with a surprisingly detailed description regarding the state of his bladder, inspiring laughter from I2 (lines 11 and 12). Finally, before I2 leaves the room, he then invites S to freely choose where to sit, referring to him as “man” (line 14) - a friendly term of familiarity. This extract represents what I have defined as “friendly banter”; it is humorous, it is casual, it is familiar - it is *friendly*. Their shared institution and their co-membership within the category of *officer* creates the conditions for them to perform a shared identity.

When I1 enters the room, she demonstrates a similar level of familiarity toward S. S responds in kind.

- 17 I1 haHA↑ (.) no chair for ME↑ ((laughs)) lemme bring a chair ((leaves to

- 18 retrieve a chair))
- 19 S there's
- (15.0)
- 20 I1 he:h
- 21 S I was gonna say there's a chair heh heh
- 22 S I was gonna say there's a chair right [there]
- 23 I1 [no]
- 23 that I had uh back surgery a year ago hh.
- 24 S okay
- 25 I1 REDACTED's comin (.) in a minute here yet
- 26 and (.) I had a back fusion (.) o::h
- 27 this is 'bout the only chair I can sit in (.) i don't know
- 28 [w]
- 29 S [does] that give your [back support]
- 30 I1 [it does]
- 31 (.) well? no? it *gives* it's (0.4) um (0.3) it's very giving?
- 32 ((turns off her phone)) ↓i'm turning this off cuz i don't want this buggin
- 33 us
- 34 and (.) not to be (.) yucky↑hh. .hh
- 35 ((background noise; beeping))
- 36 but (.) it's low back? (.) where my back fusion is?
- 37 and i can put my (.) *b:utt* right there↑
- 38 S mmhmm

The topic of discussion here is an intimate one. Moreover, it is the sort of discussion that one might imagine taking place between colleagues. I1's description of her back fusion is surprisingly detailed and conversational, ending many of her statements with a distinct rising intonation. Much like I2, her lexical choice is also decidedly informal, namely the words “yucky” (line 34) and “butt” (line 37). Most importantly, perhaps, is her interjection regarding

her mobile phone; as she switches it off, she reduces the volume of her voice and notes that she does not want it “buggin” them (line 32), or, presumably, interrupting the interrogation. Her use of the first person plural pronoun “us” here is notably inclusive, as if they are undertaking a task *together*, drawing attention away from the categories of *suspect* and *officer*, which they respectively inhabit. Likewise, both of these individuals also inhabit the latter category, and I1 discursively emphasizes this. The action found within this utterance is to *perform* a friendly attitude and a collegial relationship.

I1 then reads S his Miranda rights, which refers to police officers’ legal obligation to inform a suspect of his or her rights prior to being arrested or questioned. I1 prefaces this action thusly:

- 39 I1 okay (0.5) REDACTED's coming↑  
 40 but i'm gonna do THIS while and he may walk in here (.)  
 41 in a minute and get this done (.) um  
 42 now (.) i know (.) you're an officer (.) and I know you've  
 43 (.) seen these a thousand times and you've read 'em *yourself*  
 44 you *still* ask me any questions if you have one
- 45 S right
- 46 I1 okay (.) don't be *embarrassed* of that(.) okay
- 47 S i think i already am (.) embarrassed heh [heh]
- 48 I1 [why're] you embarrassed
- 49 S hhh
- 50 I1 why (.) tell me why you're embarr[assed]
- 51 S [the] station y'know so
- 52 I1 nob'dy (.) well (.) i mean (.) there's [rumors flyin' (.) *i* know]
- 53 S [i mean everyone everyone heh heh]
- 54 I1 and we tried to do that (.) kinda as *quietly* as we *could*

- 55                                   and that's why we took y'upfront an' stuff (.) but  
 56                                   this is (.) gonna make the rumors go away okay? (.) fer *you*
- 57     S                            okay
- 58     I1                          the rumor tomorrow is gonna be on somebody else
- 59     S                            okay
- 60     I1                          does that make sense↑  
 61                                   so let's gettem offa *you* (.) and gettem onto somebody else  
 62                                   and get this over with

At this point, the standard relational pair (Stokoe, 2012; Fitzgerald, 2015) of *officer* and *suspect* is made explicit, because of an obligatory discursive and legal procedure. Still, I1 attempts to draw emphasis away from these categories and to keep it on their shared institution. In lines 42 - 44), she refers to S as an *officer*, explicitly giving him membership in that category. She acknowledges that, as a member of the officer category, S has seen and read Miranda rights, but assures him that he should not feel “embarrassed” of asking for clarification. An exchange then ensues which lays bare the tension in occupying both categories in this standard relational pair. I1 admits that “rumors” are “flying” (line 52), presumably meaning that his alleged crimes are a subject of workplace gossip. I1 then tells S about the ways in which they tried to minimize the spread of this gossip (lines 54 and 55). Here, discursively categorizing S as an *officer* by showing concern for his membership in his colleague’s eyes, I1 performs an attitude of camaraderie and lenience. She then assures S that conducting an interview will stop the rumors. Thus, I1 performs the action of reassuring S, stating in the simple future tense that the interrogation will result in “the rumors going away”, pragmatically implying exoneration (Ofshe & Leo, 1997). This is achieved without any grammatical conditionality. I1 also indicates that the rumors in question will “be on somebody else”, that his cooperation will help to find an alternate suspect.

Considered holistically, this excerpt shows I1 building a rapport with S; when viewed through an MCA lens, she attempts to assure him that her interest is in removing him from the category of *suspect* and reinstating him into the category of *officer*. The attitude that I1 performs here is one of sympathy and camaraderie, implying that her intention is to help S, rather than to secure a confession (King & Snook, 2009). This performative assurance is a common tactic used in the Reid Technique (Ofshe & Leo, 1997; King & Snook, 2009), and I1 frames this assurance in terms of their shared *officer* category.

When S signs a form indicating that he has been mirandized, I1 notes his dominant hand. I1 and S consequently discuss an institutionally relevant similarity between them.

63. I1           you shoot right handed but you write left handed
64. S           ((nods))
65. I1           me too
66. S           yeah i'm ambidextrous (unintelligible)
67. I1           i shoot right handed and write left handed
68. S           huh huh huh
69. I1           ha (.) which (.) do you (.) um
70. S           bat left handed and throw right handed
71. I1           oh i'm the opposite i throw right handed but i bat left handed
72.           no i kick right footed (0.4) how d'y'eat
73. S           kick left footed hmh
74. I1           oh (.) left (.) for me
75. S           both hands

I1 and S both describe themselves as ambidextrous. This leads to a discussion of various officer-specific activities and which hand they prefer to use to perform them. This discussion

of their shared category-bound activity (shooting a gun) and their coincidentally shared ambidextrousness segues into an example of friendly banter. This portion of the interaction is briefly interrupted by more Miranda-related paperwork, then continues:

76. I1            that's too funny i haven't met anybody else that (0.3) writes  
77.            left handed
78. S            .hhhh
79. I1            it kind of creates a problem when yer on a traffic stop  
80.            dunnit  
81.            because you (.) write'n an' holdin' yer ticket book in this  
82.            hand (.) and yer (.) gun hand dun't bother ya=
83. S            =with the ticket book, that dun'n't bother me=
84. I1            =well that's cuz yer huge (0.3) ha  
85.            what's yer commission number
86. S            (unintelligible) REDACTED
87. I2            i masturbate right [and left handed d's'at work]
88. S            [oh ((laughing))]
89. I1            um i think i do that left handed
90. I2            (unintelligible)
91. S            ((laughing))

I1 and S further compare the experience of being an ambidextrous officer. I2 then interjects a comical and intimate self-disclosure about masturbation (line 87). Next, I1 volunteers her own self-disclosure on the subject (line 89). Taken together, the entirety of these excerpts represents rapport building through friendly, even intimate banter (aided by self-disclosure), and institutional camaraderie. It is also an example of sexually explicit language that a.



supplements other forms of rapport building through attitude performance and b. “desensitizes the conversation” to the subject of sex (this will be discussed more completely in section 5.3).

This initial rapport building is accomplished through a performance of attitude, one that projects an appearance of trustworthiness, and of being “on the same side”. Literature on the Reid Technique, however, confirms that this is likely disingenuous and performative, and not reflective of cognitive processes (Potter & Wetherell, 1987) but oriented towards the goal of eliciting a confession (King & Snook, 2009); (Vallano, Evans, Compo & Kieckhaefer, 2015).

I1 not only uses their shared institution as a source of rapport building and minimization, but also as a way to collect information. By asking this institution-specific question (which relies on institution-specific knowledge), she thereby deploys categorization.

- 123 I1 .hh the:n (0.4) y- you talked to 'er for a lil bit
- 124 S right
- 125 I1 in the b- well after you searched her you put her in the back of the car
- 126 S right
- 127 I1 then (.) we used to always kinda keep the door *open* n' ta:lk when they're not  
128 like (.) combative or anything (.) didju *talk* to her then and get information  
when she was in the *back* of your [ (.) car ]
- 129 S [ right ] i talked to her for a *lil* bit just as far as what's inside the vehicle can I  
130 consent to search your *vehicle* u::m (.) was there anything in that Koolaid (0.2)  
131 she said no  
132 u::m (.) just talkin to 'er what's the deal why are you driving late at two o'clock  
133 at night you know (.) why did you swerve (.) u:m (.) said she's goin to  
134 REDACTED to see her daughter i believe (.) so

I1 uses her previous experience with traffic stops to try and understand the events as S portrays them. This experience allows her to discern whether or not the victim was at any time in the back of his vehicle. Perhaps more interesting for my purpose, however, is her use of the

pronouns “we” and “they”. These pronouns are not preceded by a category such as “suspects” or “perpetrators”, or any indeed any other noun. By referring to people who have been stopped simply as “they”, she makes it clear that “they” does not include S - that she still categorizes him as an *officer* when considering this standard relational pair.

S discursively categorizes *himself* as an officer, too. Here, he describes his motivations for stopping the victim, which he did after he was done with this shift.

92. I1 um (.) do you *make* traffic stops normally after work
93. S i *don't* but (.) in that case I (0.3) saw 'er swervin' what not so I ((gestures))
94. I1 i mean *me* i don't=
95. S =*fffelt* hahaha (.) i know i mean (.) ((gestures)) people- co- cops say that
- 96 have ((gestures indicating "tunnel vision")) you know (.) what not
97. I1 after i get off work?
- 98 and the last thing (unintelligible) ((laughter))
99. S the (.) ((gestures to indicate "tunnel vision")) *vision* whatever but i felt
- 100 like I needed to make that traffic stop
101. I1 okay
- 102 how was *she*
- 103 was she *respectful* was she no::t=
104. S =*she* felt like she was *nervous* n' (.) what not and i'm like why are you
- 105 nervous
- 106 . hh and she was even cryin' i'm like why you cry:in why're you nervous
- 107 whatnot
- 108 .hh a::nd (.) she's just like i- i dunno i'm (.) just nervous cuz you're a
- 109 cop and i got pulled over

I1 notes in line 92 that S made this traffic stop “after work”. What follows is a set of turns wherein the two discuss their tendencies regarding making stops after their shift is over. The two exhibit differing attitudes on the matter; I1 expresses reluctance (lines 94, 97 and 98)

whereas S, through discourse and gesture, makes it known that he felt a compulsion to make the traffic stop (lines 95 and 99). This compulsion, which he attributes to “tunnel vision”, is something he suggests is a category-bound predicate belonging to “cops”. In this extract, S performs an attitude of diligence; that I1 asked the question at all, followed by her subsequent differing opinion, suggests that there is something unusual about S’s after-work traffic stop. S’s statements work to imply that it is not strange at all - in fact, it is “what cops do”, and he is a member of the “cop” category.

His self-categorization comes up later in the extract, too. For example, in lines 104 - 109, he describes the victim’s nervousness. He states that this nervousness, in the victim’s own words, derived from S’s status as a cop, i.e. his clear membership in the category. This suggests that her fear did *not*, on the other hand, derive from S’s actions, per se - only from his membership in the *officer* category, and the category-bound activity of stopping her. Unsurprisingly, S’s attitude performance, aided by category work, possesses the action-orientation of denying wrong-doing; as a member of the *officer* category, S was just doing his job.

## 5.2 Performative attitude of leniency

Throughout the interrogation, I1 projects an attitude of leniency with regard to S’s job performance. This also allows for the inclusion of *patriarchal logic* (Matoesian, 2001), when S’s alleged actions might inculcate his job performance and therefore his category membership. The following extract is an example of I1’s lenient attitude performance.

- 110 S i'm like nothin you gotta be ne- warrased about  
 111 then i told her i'm like hh. i don't really wanna take you to jail for no SDL .hh  
 or  
 112 anything i just got off work i'm *tired*  
 113 so (0.3) with my (0.3) officer um (0.4) courtesy or what not i ((sniff)) i said her  
 114 go  
 115 get that taken care of tomorrow ((sniff)) let her on her way=  
 116 I1 =that's fine and you don't hafta (.) expl- i'm not gonna sit here and go WHY

DIDN'T YOU TAKE 'ER TO THE i could care *less*

- 117 S well that's (.) that's (unintelligible)
- 118 I1 *no* (.) i don't care
- 119 u:m (.) was she drunk? (.) did you *think* she was drunk?
- 120 S I think she was (0.4) *i* think she was (0.5) she (.) she dra:nk but i don't think  
sh:e mm
- 121 I1 right (0.2) right
- 122 S with (.) my experience i don't think she was (.) passed the legal limit

(A note regarding the acronym SDL: I could not find what precisely those letters stand for. However, context suggests that it refers to an expired driver's license.)

As S summarizes the alleged events of the traffic stop, I1 interjects her lack of concern with how he handled his police business. She raising her volume substantially when she verbalizes her hypothetical, disapproving reaction, emphasizing the contrast between her hypothetical strictness and her “actual”, performed attitude of leniency (lines 116 - 118).

Lines 116 and 118 contain the phrases “I could care less” and “I don't care”; I1 performs a lenient attitude with these phrases on other occasions, too (see also lines 214, 215, 420, 435) After she makes this point clear, she goes on to ask a follow up question that may hold implications regarding his police work in addition to his alleged crime. It is notable that this question comes immediately on the heels of her lenient attitude performance, which served as an act of minimization. S then cites his “experience” to justify his belief that she was drunk (lines 120 - 122), indicating that is likewise appealing to their shared institution as a point of understanding and commonality. I1 accepts this explanation without challenge.

Much of the institutional talk takes place at the beginning of the interrogation during the rapport-building phase. Even so, the spectre of their shared category re-emerges, sometimes as rapport re-enforcement and sometimes as a way in which to collect pertinent information. For example, I1 asks S about his protocol on traffic stops.

- 378 I1 do you run everybody you come in contact with  
 379 S majority a the time  
 380 I2 butchu didn't run (0.5) old girl this mornin'  
 381 S th:::e REDACTED no i didn't (0.3) i didn't run 'er

In most states in the US, police are required to run a car's license plates through a central database when stopped for a traffic violation. This sends information about the car's owner to the officer making the stop, and logs a record of the stop in the database. S did not do this on either of the occasions on which he is, at the time of this interrogation, being accused. The interrogators' already know that this license plate was not run through this database (as I2 says, "you didn't run old girl this morning" in line 137), and they exploit their knowledge of traffic stop protocol to confirm that this was the case.

The following excerpt is a short example of an a) attempt to maintain an established rapport and b) attempt to gather information. I1 would like to know if S commonly gives rides to civilians.

- 382 I1 do you give people *rides* (.) sometimes=  
 383 S =i *do* give people rides  
 384 I1 do ya?  
 385 S i do  
 386 I1 cuz *sometimes* i be like i am *not* a taxi cab

After discovering that, yes, S does give people rides, which is presumably an important fact to know for the purposes of evidence gathering and interviewing witnesses, she then expresses her own feelings about the act of giving rides. Interestingly, she uses a verb conjugation that is unique to African American Vernacular English (line 386, I + be). She and I2 are white.

About forty five minutes into the interrogation, I1 initiates a discussion about S's size, and asks if he uses metabolic steroids. This excerpt displays a probing line of questioning, framed by a collegial attitude of lenience

- 415 I1           yer big (.) ya on roids?
- 416 S           ((laughing voice)) i'm *not* on steroids
- 417 I1           lil bit?
- 418 S           mm [ i::'ve been always- i *always* been a big - i've always been a big  
419           boned (.) guy (.) football athletic
- 420 I1           which i don't care (.) i'm not the dope [ police ]  
421           y - you've got more n' big *bones* you got [ big muscles too
- 422 S           [ well i work out all a time ]=
- 423 I1           =do ya
- 424 S           i do
- 425 I1           where d'ya work out=
- 426 S           =at uh REDACTED
- 427 I1           mm yeah (.) no roids at all
- 428 S           no roids
- 429 I1           you do all the protei::n dri:::nks and all *that* stuff=
- 430 S           =i *do* get a lo:tta protein
- 431 I1           *that* can damage your kidneys just so ya know
- 432 S           hahaha
- 433 I1           if ya *did* roids wouldja *tell* us
- 434 S           i *would* (.) i'd tell ya
- 435 I1           i mean cuz we don't *care*

436 S hhh. ((laughing voice)) i've nothin' to hide about that i've always been a  
 437 big guy .hhh i've always worked out all a ti::me (.) an' whatnot

I1 invokes a subcategory of *officer*, duplicate organization (Stokoe, 2012), which she refers to here as the “dope police” (line 420). She states emphatically that she does not belong to this category; distancing herself from this category allows her to again perform an attitude of leniency, that finding herself outside of this category means that she “doesn’t care”. Even after S states several times that he does not use steroids, I1 then asks if S “would” tell them if he did. S confirms that, yes, he would tell them if he used steroids (lines 433 and 434). I1 then reasserts the fact that they do not “care”, that they are unconcerned with the matter; I1’s implication here is that S would not be culpable if he were to admit to using steroids. This extract contains two variations of the phrase “I don’t care” (lines 420 and 435). This acts as a signal throughout the transcript of a lenient attitude performance and a resultant discursive minimization. “Not caring” communicates that the investigators are only concerned with the alleged sexual assault, or crimes that their duplicate organization (sex crimes police) is meant to investigate.

Whether or not I1’s attitude performance here is genuine - whether or not she and I2 would look the other way should S admit to using steroids - is again immaterial. The use of the Reid Technique allows us to know the precise action-orientation of essentially every utterance herein: to elicit a confession. We know, then, that this line of questioning also possesses the same action-orientation. Therefore, any suggestion of lenience, whether or not it can be seen in the investigators’ subsequent actions, does not matter. I1 performs this attitude for the purpose of convincing S to incriminate himself (Ofshe & Leo, 1997; King & Snook, 2015; Vallano, Evans, Compo & Kieckhaefer, 2015).

### 5.3 Revealing specifics about the crime and the category shift

About fifteen minutes into the interrogation, I1 becomes explicit about the nature of the alleged crime in question.

- 139 I1 hhh. alright well (.) *sounds* like this is the (.) lady i mean *this* is the deal  
140 where (.) *she's* the (.) complaining party
- 141 S mkay
- 142 I1 okay? and (.) she's making some (.) *sexual* allegations obviously cus (.)  
143 sex crimes is workin' it
- 144 S right (.) what'd she say?
- 145 I1 well was there *anything* (0.2) a *accidental touch* a *anything*
- 146 S if she thought it (.) when i *pat* searched her (.) but i didn't do - there  
was  
147 nothin' as far as (.) i felt like i would *do* anything as far as sexual or  
148 *anything*  
149 like that  
150 for *my* safety i just checked to see if there was weapons or anything=
- 151 I1 [and (.) maybe you never (unintelligible)]
- 152 S and ] (.) to make clear i didn't didn't *touch* her *butt* (.) by the waist side  
153 (.) and whatnot  
154 if you would like me to do it in front of you to *show* you(.) haha=
- 155 I1 =no and i'm fine with it and you have every right to do that she's sayin'  
154 (.) that  
155 you made her (.) lift up (.) her shirt and she when she lifted up her shirt  
156 she exposed her breasts
- 157 S no (.) no
- 158 I1 did you [ see her (unintelligible)]
- 159 S [ i *asked* ] her is there any- i asked her (.) is there anything inside your  
160 bra? (.) and she said no so i was like okay (0.2) and she was like do you  
161 want me to show you and i was like no (.) no (.) you don't need to do  
162 that



I1 confirms discursively that he is the officer that the victim accused of sexual assault, although she does not fully reveal what this entails (lines 139 - 145). Withholding information is a strategy used in the Reid Technique to determine whether or not the suspect knows details about the alleged crime without first being told (King & Snook, 2009). It also allows I1 to abstain from directly accusing him of sexual assault, relaying instead *only* the victim's claims. This means that I1's lenient attitude performance remains intact. Indeed, when S requests more details, I1 responds with another question, one that attempts minimization (line 145). She does this by suggesting that perhaps what the victim perceived as assault was *accidental*, unintentional. According to Reid, doing this will make the suspect more likely to admit some degree of wrongdoing, which the interrogators can then develop "into a theme" (Ofshe & Leo 1997; King & Snook, 2009), or create a narrative structure for how, when, and why the crime was committed that allows the suspect to save face.

I1 then reveals more about what S has been accused of. She mimes revealing her breasts and presses S on whether or not this happened with the victim on the traffic stop.

- 163 I1 *she* said that - *she said* do you want *she* said she was doing this  
 ((ruffles 164 shirt  
 165 at the chest area)) when you said is there anything inside your bra and  
 166 she was goin' no i don't have anything on (.) did she *do* that?
- 167 S yeah she did but i didn't ((shrugs his shoulders, then mimes looking  
 168 down shirt)) look or anything (.) like that (.) but then she was like do  
 169 you want me to show you and i was like no
- 170 I1 *she* said when she said do you want me to show you you said yeah and  
 171 she went ((mimes flashing)) woohoo
- 172 S nah i didn't

First, I1 seeks corroboration from S that the victim ruffled her shirt in order to demonstrate that she was not hiding anything in her bra (lines 163 - 169). S denies requesting to see the victim's breasts, but I1 disputes this. I1 then mimes the act of pulling her shirt up (lines 170 -

171). The notable thing about this portion of the interaction is that, even as I1 confronts S with preliminary details about the crime, I1 discursively places the onus for that crime on the *victim* rather than S himself: *she* performed the action of exposing her breasts. In this way, I1 attempts to maintain the attitude performance of alignment and the sense of rapport that she and I2 have thus far built; as members of the same category, I1 discursively positions the victim as an outsider. By minimizing S's responsibility for the alleged event, she performs an attitude of alignment and one of being "on the same side".

I1 then continues along the same lines. In this portion, she continues to develop the theme, which includes a sizable amount of minimization in addition to direct, confrontational questions.

- 173 I1 but could she have been ((mimes flashing)) flashin' ya?  
 174 and now ya don't wanna tell me cuz yer afraid you'll get in [ trouble? ]
- 175 S [ NO ] NO when i told her *no* i said no
- 176 I1 then she didn't go ((mimes flashing)) yee- you know cuz *sometimes*  
 177 (0.2) drunk girls're
- 178 I2 havin' a *good ti:me*
- 179 I1 yeah and (.) partying down and (.) let's face it=
- 180 S =i've already heard (.) stories about officers and whatnot  
 181 ((unintelligible)) [ i said *no* ]
- 182 I1 [ they ] want *o?fficers* fe:::r (.) hubbies er whateve:::r  
 183 BUT (.) you could've said no (.) but *i'm* asking *you* if she flashed you  
 184 anyways
- 185 S i didn't *see* 'er [ i didn't see 'er breasts i didn't see 'er breasts
- 186 I1 you didn't see no boobies? ]  
 187 okay

I1 continued to place the onus for the crime on the victim in an act of minimization. She does this by suggesting that, perhaps S *did* see her breasts, that the victim willingly exposed them,

but he fears the repercussions associated with admitting it (line 173 - 174). I1, with the help of an interjection from I2, then frames this version of events with a general statement about “drunk girls” and associated category-bound predicates and activities (lines 176 - 184). The predicates are as follows: “having a good time” and “partying down” (lines 178 and 179). These predicates serve to discursively categorize the victim as a “drunk girl” and, by extension, one who initiated the events in question. The activities, likewise, are as follows: breast flashing (lines 173 - 174, 183 - 184), and desiring police officers as husbands (line 182).

There are two significant things that are achieved in this extract. The first is that, while I1’s repeated questions are confrontational, she once again uses their shared institution as a discursive basis for their rapport; I1 and S both acknowledge the existence of the “drunk girl” category and their category-bound activity of pursuing officers. The second is a clear example of attitude performance. Because we know that I1 and I2 are using Reid tactics, we know that their express goal is to elicit a confession. Therefore, we know that I1 and I2’s expressions of a victim-blaming attitude - placing the discursive onus on the victim - are performed in order to achieve this goal. This is not to say that we have insight into the investigators’ cognitive processes or into their truly held attitudes on this or anything else - but it is possible to determine that they are *performative* and intended to achieve an action, that is, to obtain a confession.

The investigators’ performative attitude regarding “drunk girls” is supported and made possible by the discourse of *patriarchal logic* (Matoesian, 2001). “Drunk girls” embody their category-bound predicates and perform their category-bound activities, and their motivations are likely also category-bound. As Matoesian demonstrated in his analysis of the William Kennedy Smith trial, women desire sex, but their expectations regarding what comes after sex are different from men’s (2001). These expectations may include a commitment or a

continued “romance” (Matoesian, 2001). When their expectations are not met, women may resort to taking revenge by accusing men of sexual assault (Matoesian, 2001). I1 and I2 likely invoke this form of logic and the discourses that surround it, because it may appeal to S as a sufficiently face-saving, minimized narrative (King & Snook, 2009) for what allegedly occurred.

Having questioned S about the state of the victim’s shirt, I1 moves on to ask about her pants.

- 188 I1 *what* about (.) ((gestures to her stomach)) pants
- 189 S nothin in 'er pants as far as i'm concerned cuz she was wearin' (.) tight  
190 jeans  
191 so=
- 192 I1 =she said she pulled them down
- 193 S well i didn't see it
- 194 I1 you didn't see her pull 'em down?
- 195 S i didn't see her pullin' down pants
- 196 I1 could she have done it when you were up searchin' the car?
- 197 S she *could've*? i didn't have 'er [ i didn't have 'er handcuffed or  
anything]
- 198 I1 [did she 'ave 'em o:n when ]  
199 when yo:u (.) came back to the car and got her out were her pants (.)  
200 fastened? were [ they ]
- 201 S [ yeah (.) and everything ]
- 202 I1 they were *up n'*?=
- 203 S =yeah everything was still intact and everything
- 204 I1 so you *never* saw 'er pull 'er pants down=
- 205 S =no i didn't

Much like in the case of Martha Komter's study (2003), I1 appears not to accept S's explanation of events. She demonstrates this by asking essentially the same question: *did the victim remove her pants* in different ways. Interestingly, this line of questioning acts both as minimization and as confrontation; I1's questions serve to reject the idea that S is being truthful in his answer, yet it also supplies him with a minimized version of events. I1 phrases the removal of the victim's pants as being action performed *by* her: (line 192) "She said she pulled them down." After S's denial of that scenario, I1 suggests that the victim pulled her pants down and S did not see it. This "minimized version" continues to place the discursive onus onto the victim, and suggests her willingness, or at least culpability, in the situation. Still, the directness of I1's questions coupled with her reluctance to accept S's denials work to gradually shift him from the collegial category of *officer* to the other side of this standardized relational pair, *suspect*.

I1 then explores what possible motivations the victim might have for accusing S of sexual assault.

- 206 I1            why do ya think she's makin this up
- 207 S            i don't *know*
- 208 I1            didja write 'er a ticket?
- 209 S            i *didn't* i let 'er go and i said i said i won't even arrest you for your no  
210 SDL
- 211 I1            tryin' to figure out why she would say that i mean i could *see* 'er sayin'  
212 it if you wrote 'er a ticket cuz she's pissed off
- 213 S            right
- 214 I1            ↓now hh. lemme make it quite clear if you *saw* her *boobs* i don't *care* if  
215 she's *flashin'* ya
- 216 S            i did *not see* her *breasts*=

217 I1 =you *did not* see her boobies

218 S no i did not see her breasts

219 I1 *she's* sayin' you shined your light on 'er

I1 poses the question: “Why do ya think she’s makin’ this up?” again, without a hint of conditionality, e.g. “Why *would* she make this up, what reasons *would* she have?” I1’s use of the present continuous again serves to align I1 and S as somehow “being on the same side”, as if she (potentially) endorses S’s version of events. Four lines later, however, conditionality re-emerges: S unequivocally denies issuing the victim any sort of punishment, effectively negating the idea that she is seeking revenge with her accusations. I1’s response to this is to use the conditional. Directly following this, I1 lowers the volume and pitch of her voice and states that she doesn’t “care if she’s flashin’ ya” (lines 214 - 215). These lines are yet another example of I1’s use of the phrase “I don’t care” or some variation thereof as a way to signal a lenient attitude. In this case, it acts as a clear invitation for S to accept a minimized version of events, in which the victim willingly flashed S. S once again denies this version of events (lines 216 and 218), and having seen the victim’s breasts at all. Once S has completed this denial, I1 introduces a new bit of information, which suddenly implicates S with a bit more discursive onus than he was saddled with before (line 219). This is an example of the alternation between minimization and confrontation that typifies a Reid interrogation (Ofshe & Leo, 1997; King & Snook, 2015).

At this point, I2 begins to participate actively in questioning. Here, his participation consists of confrontation.

220 I1 well (.) are you a big DUI worker

221 S .hh when i first started comin' out i did

222 I1 right

- 223 S bu:t (.) not really at the end now
- 224 I1 [ i *hated* DUIs ]
- 225 I2 [ to be honest with you ]
- 226 I1 *i* usually if i see somebody swervin' ((gestures)) (.) woop the other way
- 227 S i mean it's haha a lot of officers do too
- 228 I2 well REDACTED this is (.) this is kinda one a the things that ah (.) hh.  
229 we're kinda bringing you in here ta (.04) see how truthful [ y'are ]
- 230 S [ right ] right

This excerpt begins with a brief collegial interlude. I1, I2, and S, all three fully occupying the category of *officer* for a brief time, discuss their feelings about performing DUI traffic stops (DUI = driving under the influence). I1 admits to actively avoiding them, and I2 goes so far as to say he “hates” them (line 224). S does not reveal strong feelings about DUI stops one way or the other - he simply states that he no longer does them as often as he used to (line 221).

Then, in the midst of this collegial interaction, I2 interjects with the most confrontational turn that the data has thus far demonstrated. He implicitly makes reference to the possibility that S is *not* being truthful, by introducing the notion that his honesty is being tested through this interaction. I2 effectively “breaks character” here, in terms of attitude performance; he is no longer the friendly colleague, but an investigator with suspicions. In terms of the interrogation as a whole, his attitude performance shift is far more pronounced than I1’s ever is, as he seems to play the role of “bad cop” to her “good cop”. As an interesting aside, S has likely known this was the case all along. Because he is also a police officer, he almost definitely has some passing familiarity with Reid, and can thus recognize the tactics as they are being implemented. This is evidenced by his overlapping turn in which he simply states, “right”, offering no further information.

Next, I2 confronts S with the evidence that the department supposedly has in its possession. It should be noted that, although there was a security camera across the street that recorded the traffic stop, the video is blurry and unclear. Nothing about the actions of the victim or S could be discerned from this video. S has not seen the video, and would not be aware of its contents. What follows is, therefore, an example of performance with a clear action orientation. Also of note: SANE stands for “Sexual Assault Nurse Examiner”

- 231 I2 now ya need ta kinda kinda think of (.) a few different things here
- 232 S okay?
- 233 I2 okay we've pulled up a lo:::t of video around that (.) area
- 234 S okay?
- 235 I2 okay (.) she also haved (.) a *SANE* exam which you know what *that*  
236 consists of
- 237 S right
- 238 I2 there's a *reason* why we wanted your buckles
- 239 S okay
- 240 I2 okay (.) no:::w (0.5) and we can go through it- a couple of different  
241 things? of why we've gotcha in here (.) but (.) you *sure* there's nothin'  
242 you wanna
- 243 S nothin'
- 244 I2 so: if we go off the *video* (.) and watch *that*
- 245 S right
- 246 I2 yer still gonna stick with yer story
- 247 S yes sir
- 248 I1 if we go off DNA?



249 S DNA (.) as well

First, I2 confronts S with the idea that they have “a lot of video” (line 233) from the area where the crime allegedly took place. I2 elongates the phrase “a lot”, as if to emphasize it. Exaggerating the amount of evidence obtained surrounding a crime is a very common Reid technique (King & Snook, 2015)). Here, I2’s category is firmly that of *officer*, and his attitude performance shifts to match as he confronts S with the supposed and potential evidence against him. By referencing the SANE exam and S’s “buckles” in adjacent turns (lines 235 - 238), he forms a connection between the two, implying that they have discovered S’s DNA on the victim, or else he is confident that they will. After confronting S with the existence of the video as well as potential DNA evidence, I2 again invites him to change his story. He does this through the final four turns of this excerpt, referencing evidence with an interrogative upward inflection. S, however, does not take the bait; he remains consistent in his denial that anything sexual occurred (lines 246 - 249).

The attitude I2 is performing here is one of confidence. He is confrontational, but he does not make any explicit accusations - only implicit references to the discovery of evidence. This aligns with the Reid tactic of alternating confrontation and minimization; I1 has performed an attitude of leniency and remains largely collegial, as if she regards him as “one of them”. I2’s attitude performance takes an abrupt shift, and the category S was led to believe he inhabited has been challenged. In response, S refers to I2 as “sir” (line 247), indicating the power dynamic is suddenly more lopsided.

In the next excerpt, I2 further increases his confrontational tone.

250 I2 .hh should we show you the video?

251 S if- yes

252 I2 y- you *do* wanna see it

253 S do i- yes

- 254 I2 .hhh so (.) there's nothing tha-
- 255 S everything that i recall (.) of that night is what (0.3) what was i asked  
256 and everything (.) that's what i (.) happened
- 257 I1 .hh if i- have i maybe not asked enough questions
- 258 S i think (.) everything covered as far as that
- 259 I1 do you recall putting yer penis in her mouth
- 260 S i don't
- 261 I1 would you *recall* that if you did it
- 262 S if i *did* it yeah
- 263 I2 kay (0.5) well? hh. i think ya *really* (.) in all honesty ya need ta *really*  
264 (0.4) *double think* about this (.) i-i mean i gotta be honest with ya it  
265 doesn't look *really good*

I2 then confronts S with the idea of actually *watching* the video (line 250). S does not back down and expresses his desire to see it, which works to suggest that he does not believe the video is incriminating. He then continues to assert his confidence in his recollection of the traffic stop. I1 asks if maybe she “hasn’t asked enough questions” (line 257), suggesting that some combination of questions asked will cause S to implicate himself. This turn in particular projects a performative attitude of confidence, and further erodes S’s categorical position as *officer* pushing him even further into the *suspect* category. I2 then asks one of the implied, unasked questions: did S “put his penis” in the victim’s mouth (line 259)? This question extends far beyond the “minimized version” of events that I1 constructed. I2 puts the discursive onus on S by setting him up as the instigating party in this sexual act.

Curiously, though, I2 asks if S *recalls* doing this rather than asking a more direct version of the same question, e.g. “Did you put your penis in her mouth?” This formulation is

reminiscent of questions asked by police in Elizabeth Stokoe and Derek Edwards's (2009) corpus of interrogation data; Stokoe and Edwards call them "silly questions", which are seemingly inane and irrelevant, e.g. "Did you have permission to smash your neighbour's door?". These questions typically have an obvious answer and are intended to make suspect's criminal intent clear and unimpeachable. I2's question displays the opposite goal: to disallow the denial of criminal intent. Answering "no" to the question "Do you recall?" is not a denial of having done a thing - it merely denies remembering having done it. S avoids this trap by stating that, yes, "if" he had done this, he would remember. Inserting this conditional construction, he is able to effectively deny having done the thing at all.

I2 does not accept S's denial. Instead, he states that S needs to "double think" his denial (line 264), implying that he ought to instead answer "yes" to the question. He then states that the situation does not "look really good", further implying that I1 and I2 are in possession of incriminating evidence against him. Based on what Reid expects of its practitioners, I2's suggestion that there is a wealth of evidence against S will convince him that he has no choice but to confess, or to at least make some admissions.

Here, I2 continues along much the same lines as in the previous excerpt, claiming that they are in possession of incriminating evidence. This time, though, I2 directly mentions I1's attitude performance (lines 283 and 284).

266 I2 ((sniff)) i mean (0.3) n- whatchu originally *thought* (.) detectives don't  
267 (.) just roll up in there for no *reason*

268 S right

269 I2 mkay .hhh a::nd we just didn't pick *you* ou- out (.) mkay?

270 S right

271 I2 i mean there's a *who::le* line up there

272 S mmhmm

- 273 I2 mkay? but (.) there's definitely enough *here* to bring you in here to start  
274 questioning you
- 275 S [ right ]
- 276 I2 [ mkay? ] we knew you were on that stop
- 277 S right
- 278 I2 we knew you were *there*
- 279 S mhm
- 280 I2 and we can watch a whole lotta actions being *performed* (.) while you  
281 were there
- 282 S mhm
- 283 I2 mkay? and that's why she was tryina give ya (.) e::very o::ut (.) on the  
284 whole boobie thing
- 285 S right

I2 continues to allude to evidence against S, referring to a “whole line up” (line 271); contextually, it is likely that I2 is referring to “a line up” of evidence as opposed to a line up of potential suspects, but it is hard to be sure. I2 then emphasizes the point that the fact of S’s presence on the traffic stop in question is incriminating in itself. Then, he makes some interesting discursive choices: I2 says they “can” watch, are able to watch (implying that they have not yet completed the act of watching) “a whole lotta actions being performed” (lines 280 and 281), a vague statement that refuses to make direct claims about what these “actions” might entail. He then directly states I1’s minimizing efforts as an attempt to give S “every out”, or every available possibility to come clean, albeit with a minimized version of the events that I1 and I2 believe to have happened. Bringing attention to their minimization

attempts also implies that, while they had an attitude of leniency, they are no longer able to maintain it.

I2 suggests that they have not been able to “clear up” the video (line 286). What follows after that is a repeated attempt to elicit some sort of admission from S that *something sexual* happened. In fact, this is the first time that the investigators explicitly state the nature of the sex act in question.

286 I2 mkay? now is there *a::ny* reason (.) *a::ny* reason at *all* (.) even fro::m  
287 (.) whatever angle cuz it takes it a lil bit to clear up those videos

288 S right

289 I2 .hhh but *any reasons* (.) why your *penis* would be out

290 S hh. no

291 I2 nothin'?

292 S nothin

293 I2 kay (.) ((lipsmack)) no::w (.) in doin' this- you know how SANE  
exams work and I ain't gotta explain about DNA or anything like that

294 S right

295 I2 no:w i didn't say you had *sex* with her

296 S right

297 I2 mkay? .hhh but gettin' a *blowjob* mkay that is a different story

298 S right

299 I2 kay (1.0) you *see* my concern here

300 S i'm just listenin' to you sir i -

301 I2 *i* know (.) but i'd rather listen to *you* (.) and you start talkin'

302 S that's all i have sir

This is the first time that the nature of S's alleged crime has been made explicit. This excerpt demonstrates a lot of repetition: questions about what can be seen in the video, reference to the SANE exam (line 293), and a subsequent invitation to change his answers to those questions ("nothin'", line 291). Then, I2 clarifies what act he suspects occurred: not vaginal sex but oral sex (lines 295 - 297). This admission is framed as something akin to minimization; the comparison inherent in the structure of that two-turn assertion suggests that "sex" (assumed to be vaginal sex) is somehow a lesser violation than oral sex. When I2 states that S must "see his concern" (line 299), S states that he is "listening" to I2, addressing him as "sir". This turn seems to represent a placeholder, an expression of receptiveness, yet also of an unwillingness to answer I2's questions affirmatively. I2 discursively rejects S's receptiveness and is explicit about what he wants: for S to start "talkin'", i.e. confessing (line 301). S, again addressing I2 as "sir", does not give I2 what he wants, instead stating that he has given I2 "all he has", or that he has said all that he is willing to say (line 302).

The standardized relational pair of *officer* and *suspect* is readily apparent here; I2 asks confrontational questions, and S denies them by referring to I2 as "sir", a title that signals respect and acknowledgment of authority. In other word, this interaction contains none of the collegial banter that characterized the early stages of the interrogation.

At this point, I1 re-enters the interaction. Her turns are at once confrontational and minimizing.

303 I1 so - are we are we gonna get somethin' from the SANE exam?

304 S ((chuckling)) go with the SANE exam

305 I1 and d'ya d'ya *understand* (.) that (.) ya don't have to full blown ejaculate  
306 ta get somethin' outta the SANE exam

307 S right

- 308 I1 we can get *skin* cells? (0.5) we can get *preejaculate*? (0.5) we can do *all*  
309 that and *still* get DNA
- 310 S right
- 311 I1 a::nd (1.0) did yer *penis* go in 'er mouth?
- 312 S *no* it did not
- 313 I1 okay because DNA'll clear it up and - here's the deal too (0.5) i (2.0) it  
314 hh. we can fall on the *sword*
- 315 S kay?
- 316 I1 and say i screwed up or somethin' (.) but if we say (.) we didn't do it we  
317 didn't do it we didn't do it and then (0.2) the DNA comes back and says  
318 (.) he did it (0.3) *then* we have a *huge* problem
- 319 S right
- 320 I1 *we're* (.) *here* (0.4) to give you the chance (0.4) to fall on the sword so  
321 we *DON'T* - we don't *want* a huge problem we don't want a huge  
322 problem for *you*
- 323 S right
- 324 I1 it's - this is time (.) it's time if ye:r i- if it touched 'er *mouth* if it touched  
325 *inside* of 'er mouth for *one* second *two* seconds (.) *three* seconds ya  
326 *gotta* tell us now

I1 again brings up the SANE exam and asks S if they will discover his DNA (lines 303 - 311), and she ensures that he understands what might result in its presence. Subsequently, I1 reiterates the question: was S's penis at any time in the victim's mouth (line 311)? Again, S denies it. Then, she uses the first person plural pronoun "we" and the phrase to "fall on the sword": a cliché meaning to take responsibility for one's mistakes. Her use of this phrase appears to signal confessing, or making admissions.

Starting at line 316, I1 uses the word "we" several times and in various ways, repeating the phrase "we didn't do it" seemingly as an impression of S denying his guilt. Her

use of the first person plural serves to include herself in a purely discursive way, akin to the way an adult might use the word “we” when interacting with a child. The pronoun shifts back to “he” (line 318) when hypothetically confirming his guilt. This is a clear discursive example of categorization; S can no longer claim membership in the category of *officer* if the evidence implicates him. Even as she frames his categorization this way, though, neither I1 or I2 are prepared to accept “I didn’t do it” as an answer to any of their questions. This is, of course, in line with the Reid technique’s action orientation; denials are not acceptable because that is not the answer the Reid Technique prescribes. Furthermore, failing to “fall on the sword” or to express an admission of some kind is discursively equated with “a huge problem”; in line 318, the pronoun used revert back to “we”, and its use is again reminiscent of an adult speaking with a child. In this way, I1 continues to perform an attitude of lenience. She attempts to reassure S that the “big problem” will result only if he denies the crime. A “big problem” is not something “they” want (lines 320 - 322), and I1 implies that confessing, at least to a minimized version of events in which sexual contact was consensual, will alay the problem. Here, “we” no longer refers to S and I1 rhetorically, but rather to I1 and I2; *they* do not want to see S experience a “big problem”. Lines 320 to 322 realign the interrogators with S, putting them once again on the “same side”.

*Patriarchal logic* re-emerges in this excerpt, as the interrogators offer a more explicit minimized version of events.

- 327 S right=  
 328 I2 =look (.) there's there's a *huge* difference (.) there's a huge  
 329 difference in- between (.) a rape bein' *forced*  
 330 S mhm  
 331 I2 and some ol' girl who *wants* it  
 332 S right



- 333 I2 okay? (.) .hh we've had *p:lenty* a that=  
334 I1 =we we get that we know that  
335 I2 kay? but there're there is a ((laughing)) a *big* difference okay?  
336 S right  
337 I2 .hhh bu:t i'm just sayin' ya know these *videos* ain't helpin' a::nd (.) i  
338 mean we're gonna do the comparing and all *that*  
339 S okay  
340 I2 mkay? (0.5) bu:t ((laughing)) i i- it's *not* looking good *so* far  
341 S okay  
342 I2 kay? an' i don't wanna see anybody go down (0.4) for somethin' that (.)  
343 there was [no force  
344 S right ]  
345 right  
346 I2 now (.) i'm not seein' *any beating* (.) or *anything* like *that*  
347 S right  
348 I2 mkay? i'm not seein' that big ti::me (.) u:h (.) big gu:y forcer type thing  
349 like we *do* see  
350 S right  
351 I2 but  
352 I1 but if it was a get out of jail free ca:rd? (0.4) *that* happens  
353 S right=  
354 I1 =and we *know* that happens  
355 S right

- 356 I1 an' but we gotta *know* that (0.3) we gotta *know* that versus (0.3) y'know  
 357 he ma::de me an' i didn't wa::nt t::o blah blah blah if *it's* a get out of jail  
 358 free card then that's a different story
- 359 I2 and we've worked enough of 'em (.) okay cases that (.) that didn't  
 360 *happen* (.) the *problem* is is where we're at right now
- 361 S mhm
- 362 I2 mkay (0.4) and that's why we wanted to hear (.) yer version of the *story*  
 363 (.) whether we just go offa what we *see*? an' and i mean whatever this  
 364 tests *out* as
- 365 S right
- 366 I2 mkay? but
- 367 S sir i'm (.) i'm *stickin'* with my *story* i'm

I2 becomes explicit in his use of patriarchal logic; he draws attention to the difference between consensual and nonconsensual sexual contact, but notes that there's a huge difference between a woman who "wants it" and one who does not (lines 328 - 333). His use of the phrase "some old girl" (line 331) is colloquial, and it seems to categorize the victim as nonspecific ("some"), advanced in age (the victim in question is older than S), and a "girl", as opposed to a woman. I2's choice of words are not especially flattering (one cannot, for example, imagine his using the same words in the victim's presence).

I2's implication is that it is possible the victim's claim of being assaulted is not truthful - that it described consensual acts as nonconsensual. This is another invocation of the "drunk girl" category; their predicates include "having a good time" and their activities include (literally) searching for an officer as a husband, or at least looking for a "good time" with one. Patriarchal logic (Matoesian, 2001) discursively provides the victim with the motivation to lie; she sought out sex with S, but she experienced regret, or was disappointed with his subsequent lack of interest in her (Matoesian, 2001). The elements of this category,

coupled with patriarchal logic, do not allow much room for the possibility of assault. This categorization would, however, allow S the discursive space to confess that *something* sexual took place, but that it was consensual.

This minimized version of events, that the victim had a reason for pursuing S sexually, effectively answer the question that I1 posed earlier (line 206): “ Why do you think she’s making this up?”

Again, I2’s turns do not allow space for S’s denial, though, as he once again makes reference to the video of the traffic stop and its supposedly incriminating content. I2 implies that some sort of sexual activity can be discerned from the video, but that he does not see “force” being used against the victim (line 348 and 349). This constructs a discursive structure into which only admission of this minimized version of events will suffice.

I1, however, suggests that consensual sexual contact might have also been transactional. Despite what S claimed earlier in the interrogation, I1 suggests that sexual contact might have occurred in exchange for a “get out of jail free card”, or as payment for not enforcing punishment (line 352). Again, I1 performs an attitude of lenience as she assures S “that happens” and “ we know that” (352 and 354). Then, I1 discursively invites S (“we need to know that”) to admit that this transactional sexual contact happened, and that the victim is falsely accusing him of assault. I2 then refers back to the video, and implies that any discrepancy in the video’s content and S’s story could be reconciled by an admission that consensual contact took place.

S’s response is to refer to I2 as “sir” once again (it is worth mentioning that he never addresses I1 by any name or title) and to reaffirm that he is “sticking to his story” rather than adapting it to fit the investigators’ discursive invitations. I1’s reaction to this denial of her invitations is to repeat the same questions that the investigators’ have been asking throughout much of the interrogation.

- 368 I1 okay (.) okay *on* the video are we gonna see her boobies
- 369 S i'm (.) shouldn't see her boobs *i* didn't see her boobs
- 370 I1 okay are we gonna see 'er pull 'er pants down
- 371 S *i* didn't see 'er pull 'er pants down
- 372 I1 kay (.) are we gonna see yer penis out
- 373 S mmnope
- 374 I1 are we gonna see (.) yer penis go in 'er mouth
- 375 S no
- 376 I1 are we gonna get any DNA to that
- 377 S no

I1 lists these questions rather rapidly, and they lack the upspeak found at the end of many of her previous questions earlier in the interrogation. She appears to anticipate that repeating them is unlikely to result in affirmative answers. But, much like in Stokoe's "Silly Questions" analysis (2009), she simply must ask them anyway, to be sure that the answers are unequivocal.

#### 5.4 Performative attitudes about sex

Many of the previous extracts have contained explicit discussions of sex, particularly, of course, as it relates to S's alleged commission of a sexual assault.

Introducing an explicit discussion of sexuality projects a casual attitude about it; projecting a casual attitude about sexuality desensitizes the conversation to the subject. For example, the blunt self-disclosure in lines 87 to 89 about masturbation may represent an attempt to make S feel confident in disclosing sexual details of his own. Later in the interrogation, the investigators ask S about a variety of intimate sexual details.

In the following excerpt, I1 and I2 attempt to ascertain personal details about S's romantic and sexual life. This is most likely meant to collect information that may be useful as evidence. As a secondary concern, however, the interrogators appear to further desensitize the interaction to sexual content while trying to maintain the rapport they have built with S.

- 387 I1 are you circumcised?
- 388 S i *am* circumcsised=
- 389 I1 =sorry just (.) ((shrugs)) askin'  
390 do y'have pubic hair
- 391 S u:::h yes
- 392 I1 well i mean some people (.) *manscape* as ya call it
- 393 S right
- 394 I1 you groom?
- 295 S i groom yess=
- 396 I1 =okay  
397 so do i ((chuckling))
- 398 S ((chuckling))
- 399 I2 you got any (.) identifying (.) *marks* around yer (.) penis er=
- 400 S = i don't
- 401 I1 just a *plain* old penis huh?=  
402 S =just a plain old (.) penis haha
- 403 I2 plain o:::ld >fourteen incher<
- 404 I1 ((laughter))
- 405 S mmm i::: wouldn't say about that but
- 406 I1 see you *should've* you just had your *opportunity*

- 407 S ((laughter))
- 408 I2 ((laughter))
- 409 you uh (0.3) that's kinda delvin' off in a different but (.) you married?
- 410 S i'm not married
- 411 I2 girlfriends?
- 412 S ((lip smack)) u::h (.) here n' there
- 413 I1 kids?
- 414 S no kids

First, I1 ask questions about the appearance of his penis, and does so through the language of *friendly banter* that played a role in rapport-building earlier. One imagines that this is a difficult balance to maintain, however; the questions I1 and I2 ask of S extend far beyond the intimacy that characterized their earlier introduction and rapport-building. Moreover, this portion of the interaction can be found about forty minutes into the interrogation, and the interrogators have confronted him with details about what they believed happened. For example, when I1 asks S if he is circumcised and he responds, I1 performs an attitude of nonchalance, shrugging her shoulders and stating “just asking” (line 389), as if she asked the question out of pure curiosity. She does the same sort of thing when he responds about the state of his pubic hair: first, she uses the neologism “manscape” (“man” + “landscape”) to refer to the process of shaving pubic hair (line 392). Next, when S confirms that he “grooms”, I1 confirms that she, too, “grooms”, a blunt self-disclosure (Stokoe, 2009), one of a similar degree of bluntness as I1 and I2’s comments about masurbation (lines 87 - 91).

Likewise, when I2 asks about identifying marks on S’s genitals, I1 jokes that he has a “plain old penis”, a phrase that S laughingly repeats (lines 399 - 402). From my lay-experience studying police interrogations (see my statement on reflexivity) this line of

questioning is most likely an attempt to gather information that can then be corroborated by the victim; for example, if S *were* to have a mark of some kind on his genitals, the investigators could then seek out corroboration from the victim. I2 then jokes that S's genitals are plain, yet large. When S denies this, I1 kiddingly chastises him for not taking "his opportunity" (lines 403 - 406). From the perspective of one who has watched the video, this exchange is tense and uncomfortable, but the laughter provides it with a sense of levity. Thus, this extract demonstrates a skillful effort to maintain the rapport the investigators have built with S while simultaneously extracting new information. It also maintains the explicit, "desensitized" discourse that characterizes the interaction.

In the next few lines of the interrogation, something interesting happens: the theme of patriarchal logic that the investigators have offered throughout the interrogation - that the victim somehow asked for or consented to sexual contact - re-emerges through one of S's turns.

- 438 I1 .hh bu:t (0.3) an' like i said there's officers that (0.4) i'm not sayin' (0.3)  
439 bein' with the hookers is right (.) but it *happens*
- 440 S right
- 441 I1 an' it's *life*
- 442 S right
- 443 I1 a::nd if (.) °if that's what this *was* (.) *lay* it out there for me now°
- 444 S right (.) no (.) it wasn't  
445 ((shakes head)) no
- 446 I1 wuddn't (.) *she* wuddn't (.) .hh did *she* offer anythi:ng (.) don't (.) take  
447 me to jail don't i'll do *this* i'll do *this* did she offer you [ *anything* ]
- 448 S ((shakes head, shrugs)) [ no she- ]  
449 i: think she was nervous like i said earlier maybe a little (.) flirtatious  
450 but nothin' (.) *crazy*

- 451 I1 she never offered *anything* (.) in exchange for you not takin' [ er  
 452 S na:h ]  
 453 na:h she was really worried about goin na *jail* but (.) n' sh (.) y'know  
 454 how sh=  
 455 I1 =n' *SOMETimes* they'll say *he::y* i'll give ya a ↑humme:::r if i:: do:n't go  
 456 [ ta ↑ja::il  
 457 S ((shrugs)) that's it haha nah ]  
 458 no (.) no

I1 clearly employs Reid here, as she still has not accepted S's repeated denials (Ofshe & Leo, 1997; King & Snook, 2015). Instead, she continues to develop the theme. In her first turn she uses the word “hookers”, equating the experience of being an *officer* and “bein’ with hookers” (438 - 439). This discursive membership categorization serves to accomplish two things: first, it performs an attitude of leniency in regards to officers being with hookers; second, it categorizes the victim as a potential “hooker”. The second aforementioned action deploys something akin to patriarchal logic through the implication of a category-bound activity: that *hookers only* engage in sexual activity consensually and transactionally, and are never assaulted. In other words, if the victim can be categorized as a “hooker”, the alleged event can be likewise be categorized as consensual.

S then states for the first time that the victim was acting “maybe a little flirtatious” (line 449). Previously, he described her as being “nervous”, but mentioned no flirtatiousness in any of his accounts of her behavior. He remains strong in his denial that anything sexual took place between him and the victim, but this detail emerges after roughly 45 minutes of interrogation and after having his denials rebuffed. We know that the Reid Technique is highly effective at eliciting confessions, even from innocent suspects (Ofshe & Leo, 1997). It makes sense, then, that this small admission is an attempt on S's part to discursively align



with the investigators' construction of events without renouncing his claim that nothing sexual occurred.

## 6. Conclusion

These extracts come together to form a picture of what I1 and I2 attempt to accomplish discursively and in what ways. I1 takes the lead in performing an attitude of leniency, emphasising her institutionally shared membership category with S and thereby performing the Reid-prescribed act of minimization. I2 fulfills a supportive role in the accomplishment minimization and friendly, collegial banter, and initiates much of the Reid-prescribed act of confrontation. Both investigators utilize patriarchal logic as a discourse of minimization and in the course of category work, placing the discursive onus on the victim for the alleged sexual contact between her and S. The investigators are ultimately not successful in achieving the Reid Technique's action orientation, as S does not confess; however, S *does* realign his portrayal of the victim's behavior in a slight, yet meaningful way by suggesting that her demeanor was "flirtatious" (line 449).

The results of this single-case, talk-in-interaction analysis represent a clear example of the way in which attitudes are performed and for what purpose(s). An interesting follow-up inquiry would be to examine the notion of attitude performance outside of a strictly institutional context, i.e. within more "natural" instances of everyday interaction. As I have stated previously, a Reid criminal interrogation has a specific, documented action orientation; it would be worthwhile to explore if, when, and how attitude performance figures into interactions with more implicit action orientations. Moreover, it would be equally worthwhile to examine the way in which attitude performance is achieved within a trial context, or elsewhere in the trajectory of legal texts.

Although my aim in this study was not to be explicitly critical, there is a great deal of room for criticism of the Reid Technique and its model of criminal interrogation (see for

example: Ofshe & Leo, 1997; Vallano, Evans, Compo, & Kieckhaefer, 2015). It is always useful to question the purpose and efficacy of institutional interactions that disallow or disregard conversational turns which deviate from prescription. Even so, institutionally prescriptive interactions allow for us to bypass cognitivism and guess-work on the way to establishing intention.

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## Appendix A

## Notes on transcription:

↑	raised pitch	
↓	lowered pitch	
?	upward, “questioning” inflection	
:	sound prolongation	
=	latched utterances	
[text]	overlapping speech (brackets surround the first syllable where the overlap begins as well as the final syllable where the overlap ends	tell me why you're embarr[assed] [the] station y'know so
.hhh	inbreath	
hhh.	outbreath	
but-	cutoff	
>speech<	increased speed	
<i>Italics</i>	emphatic stress	
CAPITALS	increased loudness	
°speech°	increased softness	
((laughs))	paralingual features/commentary on surroundings	
(unintelligible)	transcription doubt	
(.)	short, untimed pause	
(0.3)	silence measured in tenths of a second	