ROBERT LEONARD

Forensic Linguistics in *NYPD Blue*

NYPD Blue *taught us a new language. We avoid skels in the street, reach out to old friends and try to avoid a jackpot. But* NYPD Blue *teaches us much more than police slang. As forensic linguist Leonard explains,* NYPD Blue *is a window into the complex world of legal language. The uses and misuses of language, in the courtroom and in the interrogation room, can be the difference between success and failure for both the detectives of* NYPD Blue *and the real-life detectives on the streets.*

Setting the Scene

NYPD Blue's tenth season ended with an explosive climax. Captain Fraker of the Internal Affairs Bureau—the hated Rat Squad—had been pursuing a vendetta against the detectives of the 15th Precinct. A special hatred for Rodriguez and Sipowicz consumed him: Fraker claimed Rodriguez ratted him out and that Sipowicz was no better than a blackmailer. Then Fraker's world fell apart—the same day he was passed over for promotion his wife discovered his secret affair with a subordinate cop and threw him out. Drunk as hell, he went to the 15th Precinct, confronted Rodriguez—and shot him point blank.

He raised his gun again, and *bam!* Fraker went down, shot by a trembling Det. Rita Ortiz.

Okay. Rodriguez pulled through. The rat Fraker pulled through. *We* know what happened; *we* know how evil Fraker is and how unjustified his grudges were. *We* know he shot Rodriguez with no provocation.

In the next season's opener, we found ourselves in court. Fraker was being tried for attempted murder. But things weren't going well. There in court, nothing was as clear as when we saw it go down. Fraker's defense was that Rodriguez drew on *him*! Assistant District Attorney Haywood (Detective Baldwin's on-again-off-again girlfriend, fiancée, almost-mother-of-his-child) had on the stand the emergency room doctor who treated Fraker after Ortiz shot him, Dr. Devlin (Detective Clark's current, very involved girlfriend).

> DR. DEVLIN: Hand-eye coordination would be substantially diminished.
>
> ADA HAYWOOD: So in your opinion, if a man as intoxicated as Captain Fraker saw a sober man draw his own gun, would Captain Fraker be able to outdraw the sober man?
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> DEFENSE ATTORNEY JAMES SINCLAIR: Objection, speculation—this is a medical witness, not a cowgirl. (jurors laugh, smile at each other)
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> JUDGE: Sustained.
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> ADA HAYWOOD: Dr. Devlin, during the course of your treatment of the defendant did he say anything to you?
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> DR. DEVLIN: He said, "I hope the bastard's dead." He kept repeating that.
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> ATTORNEY SINCLAIR: Dr. Devlin, were you present during the original altercation in the squad room between Captain Fraker and Lieutenant Rodriguez?
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> DR. DEVLIN: No.
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> ATTORNEY SINCLAIR: So you don't know, when Captain Fraker said, "I hope the bastard's dead," what or who or any of the circumstances that was in regard to.
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> DR. DEVLIN: No, but I took—
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> ATTORNEY SINCLAIR: (interrupting) Thank you. (pause) Dr. Devlin— who are you dating?
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> ADA HAYWOOD: Objection.
>
> ATTORNEY SINCLAIR: Goes to bias.
>
> JUDGE: The witness can answer . . . .

No, things were not going well for our side. But how could this happen? How can Sinclair twist things, make fun of Dr. Devlin, make it seem plausible that dead-drunk Fraker might have outdrawn a sober Rodriguez? Linking Devlin and her lover could make the jury suspect that she is biased—that will cast doubt on even her scientific, medical testimony. Why can he do that in a court of law? How does this all work?

To answer that, we have to look at language. This is actually all about language. Let's step back from courtroom procedure and look at the mechanisms we humans actually use to communicate. Once we have a handle on that, we can examine why the language used in courtroom interactions is so different from that in normal conversation. Then we'll look at the way this plays out in the courtroom on *NYPD Blue* and also how it relates to the show's police interrogations. Along the way, we'll examine the role of language as a prime means of establishing who you are, what group you belong to and which ones you don't.

In Court, We Play by Different Rules

In a famous real-life case, the president of a bankrupt movie production company was asked by a creditor's lawyer about assets. The creditors were trying to find out if any money was stashed in European banks.

> QUESTION: Do you have any bank accounts in Swiss banks, Mr. Bronston?
> ANSWER: No, sir.
> QUESTION: Have you ever?
> ANSWER: The company had an account there for about six months, in Zurich. (*Bronston v. United States,* 409 U.S. 354 [1973])[4]

Would you be surprised, after reading Mr. Bronston's answer, to learn that in addition to the company account, he himself *also* had a large *personal* Swiss bank account? In fact, he had had one, and for five years he had written and deposited checks for over $180,000. So—did he "lie" on the stand? A court thought so, and convicted Bronston of perjury,

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[4] My discussion of *Bronston v. United States* is adapted from *Legal Language* by Peter Tiersma (1999: 178–9), an invaluable book I use as a text in my university forensic linguistics courses. Anyone interested in forensic linguistics, or any aspect of the intersection of language and law should read it. Tiersma also maintains a Web site that constantly updates the information in the book.

the crime of lying under oath. But the Supreme Court of the United States unanimously reversed his conviction. Why?

The Unspoken Rules about Speaking

The prosecution in Bronston's perjury trial said that when he answered the question by only talking about the *company's* bank account, Bronston had falsely implied that he had never had a *personal* Swiss bank account. And of course he had indeed *falsely* implied that—by the normal rules of language, anyway. There is, in language, what linguists and philosophers call the Cooperative Principle, which sums up what speakers actually expect in conversation: that the other guy will cooperate with us.

Let's say Susan and Joan are college students who live in the same dorm. On Susan's way to a party one night, she passes by Joan's room and sees her reading.

"Aren't you going to the party, Joan?" asks Susan.

Joan shrugs, barely looking up: "I have a test tomorrow." (from "Carol and Lara" in Yule 1996: 145–6)

I've added a bit to Yule's story: Relieved, Susan goes off to eat, then later shows up at the party where—you guessed it—Joan is sitting with Susan's boyfriend as they hold hands and gaze into each other's eyes.

"Joan," Susan says through clenched teeth, "didn't you tell me you weren't coming to the party?"

Joan looks quizzically at Susan, furrowing her brow in concentration. "No, I don't remember ever saying *that*."

You wouldn't be surprised if Joan's last name was Bronston, because she has of course pulled the same trick. Just what was that trick? She pretended to cooperate—she pretended to follow the normal unspoken rules about speaking—but she didn't.

Whose Side Are You On, Anyway?—
The Cooperative Principle

The philosopher H. P. Grice outlined the components of the Cooperative Principle. One component (there are four all together) is the Maxim of Quantity, which says that to cooperate you should give *enough* information, but *no more* information than necessary. This describes the fact that people who run off at the mouth, who repeat the same information ten times in a row, who answer "How are you today?" as if the asker

were *actually* asking for information about how they were today, who volunteer information about things no one even obliquely asked about, are not cooperating. People who do not give enough information are also not cooperating, because *the assumption is always that they have cooperated.*

One more example. You want to know how many children Mrs. Smith has, so you ask. She responds, "Hmm, well, let's see, there's Jenny who's eight, and Johnny who's six. Yep." Assuming that she has cooperated, you infer that the woman has two children. Later you find out she has seven children. She hasn't "lied." She just hasn't told the truth—or at least, she hasn't cooperated. She does have Jenny and Johnny. That's true. It was *you* who assumed from what she said that she *only* had those two. But that isn't what she literally said. And Joan, if she lives long enough, might say to Susan, "But—I *do* have a test." We assume people have given us *enough* information to figure out the larger meaning. And people usually do, or other people stop talking to them.

Why does language work this way? Isn't it sloppy? Doesn't it leave so much of the meaning liable to fall between the cracks? The answer is that it isn't sloppy, it's efficient. Joan doesn't have to explain that *because* she has a test tomorrow, she can't go to the party, because if she did maybe she would get back too late to do enough studying, etc., etc. She can just say, "I have a test tomorrow," and Susan will figure out all the rest—IF they are both cooperating. But as soon as one person realizes the other isn't cooperating, the rules change—next time, you can be sure that Susan will ask some follow-up questions to be sure she has the *whole truth* (and nothing but the truth) about her friend's plans.

That's the situation—*not cooperating*—we have in the courtroom. And everyone is aware of it, or should be. And everyone has to take precautions. If they don't, then the fault is their own. That's why the Supreme Court reversed Bronston's perjury conviction. It pointed out that Bronston's answer was literally true, even if it contained what linguists call an i*nvited inference*. (Joan's invited inference was that she wasn't going to the party, and Mrs. Smith invited the inference that she had only two children.) It is the responsibility of the questioning lawyer to be sure that an answer is not only the truth, but the whole truth. But as we see, even lawyers can't always drop their lifetime of training in using the Cooperative Principle.

This Program Has Been Prerecorded: Schemas

Expectations about the way the world works structure our understanding of language in another way as well. People act as if they had prerecorded scripts stored in their heads, and when some bit of language reminds them of one, the script starts to roll and fills in all sorts of blanks.

Look at Susan and Joan again. Remember we pointed out that Joan can just say, "I have a test tomorrow," and Susan will figure out all the rest. The Maxim of Quantity means she shouldn't go on and on about something that Susan can easily figure out for herself from the short trigger ("I have a test tomorrow") that Joan gave her. Why can she figure out the rest? Because Susan has stored in her mind somewhere a script, a storyline that includes "A college student has a test tomorrow, and she can't go to a party, because if she did go she might not have time to study. If you don't study enough you might fail, and students don't like to fail. Students are people who go to school. School is…." That is why Joan can just say, "I have a test…" and all the information gets filled in. This is how we communicate (efficient, isn't it?) and remember things: by utilizing these knowledge frameworks, which psychologists call *schemas*. Psychologists define them as

> mental representation[s] of some aspect of experience, based on prior experience and memory, structured in such a way as to facilitate (and sometimes to distort) perception, cognition, the drawing of inferences or the interpretation of new information in terms of existing knowledge. (Colman 2001: 653)

The linguist Deborah Tannen, describing how schemas function in language, notes the ramifications of prior experiences being stored in an organized way: *expectations*.

> The prior experience of organized knowledge then takes the form of expectations about the world, and in the vast majority of cases, the world, being a systematic place, confirms these expectations, saving the individual the trouble of figuring things out anew all the time. (Tannen 1993: 20–21)

This is the design of human language. Quick, efficient—and heavily reliant on humans' excellent problem-solving ability. It's like a new puzzle each time someone speaks. You have to put two and two together and figure out which schema the speaker had in her mind.

The trouble is, there is an infinity of possible schemas. Based on who the speaker is, where she is right now, what she does for a living and where she grew up—how, one might ask, could her schema be the same as mine? It's pretty obvious that schemas vary greatly by culture and country, and a lot can go wrong if schemas don't match. But usually, the understanding that results is, if not perfect, at least sufficient. Sometimes, however, the result is an understanding that is less than sufficient—in fact, not at all what the speaker intended. One of my favorite examples is a story where different schemas are triggered through purposeful manipulation (from Sanford and Garrod 1981 [quoted in Yule 1996: 146–7]):

John was on his way to school last Friday. He was really worried about the math lesson.

Okay, now who is John? Most people would say he is a schoolboy. How is he going to school? Is he swimming? Skydiving? Nobody says that. Why? Although notice that the story doesn't specify how he is going, most people infer that he is on a bus, or walking—modes of transportation that would fit with the "schoolboy" schema. Next line:

Last week he had been unable to control the class.

Now the inference is that John is a teacher. Now we visualize him on the way to school in a car. Next:

It was unfair of the math teacher to leave him in charge.

Now he's back to being a student. Last:

After all, it is not a normal part of a janitor's duties.

A humorous demonstration of triggering different schemas in real life is the accidental double-meaning headlines that the *Columbia Journalism Review* collects. These allow for the conjuring up of some pretty wild schemas: Club Hears Trees Talk at Meeting; Dr. Ruth Talks about Sex with Newspaper Editors; Police Nab Students with Pair of Pliers; Grilled Duck Shows off Skill. Ask yourself: why are there different interpretations? How do we know which is the "real" interpretation? We test all the different possible schemas in the blink of an eye and see which might make more sense within the larger schemas of everyday possibili-

ties. (A duck, once grilled, is unlikely to show off any skill other than the cook's.)

Another good example of a schema or a script is the story I made up about Joan and Susan. Reread it and see just how little detail I actually included. I could get away with giving so little information because most of us have already stored in our head a very lighthearted script of "conniving friend steals dumb boyfriend."

The Courtroom

Now we're ready to go back to the courtroom scene from *NYPD Blue*. Remember, Captain Fraker of the IAB had shot Lieutenant Rodriguez in his office and was in turn shot by Detective Ortiz. Fraker was being tried for attempted murder. His story was that Rodriguez drew his gun first. This is the scene in its entirety:

> ASSISTANT DISTRICT ATTORNEY VALERIE HAYWOOD: And did you have occasion to treat Captain Fraker that afternoon?
>
> DR. DEVLIN: Yes. He was brought into the ER with a gunshot wound to his spine at about 6:15. I stabilized him and he was sent to Neurosurgery.
>
> ADA HAYWOOD: Did you draw his blood?
>
> DR. DEVLIN: I did. Per procedure the sample was sent to our lab for analysis.
>
> ADA HAYWOOD: And what were the results of that analysis?
>
> DR. DEVLIN: Mr. Fraker's blood alcohol content registered point two-five.
>
> ADA HAYWOOD: And in your expert medical opinion, would that BAC be sufficient to impair the motor skills of a man of the defendant's height and weight?
>
> DR. DEVLIN: Absolutely.
>
> ADA HAYWOOD: So the speed at which one could, for example, reach for a gun—would that be impacted?
>
> DR. DEVLIN: Hand-eye coordination would be substantially diminished.
>
> ADA HAYWOOD: So in your opinion, if a man as intoxicated as Captain Fraker saw a sober man draw his own gun, would Captain Fraker be able to outdraw the sober man?
>
> DEFENSE ATTORNEY JAMES SINCLAIR: Objection, speculation—this is a medical witness, not a cowgirl. (jurors laugh, smile at each other)
>
> JUDGE: Sustained.

ADA Haywood: Dr. Devlin, during the course of your treatment of the defendant did he say anything to you?

Dr. Devlin: He said, "I hope the bastard's dead." He kept repeating that.

ADA Haywood: Thank you.

Attorney Sinclair: Dr. Devlin, were you present during the original altercation in the squad room between Captain Fraker and Lieutenant Rodriguez?

Dr. Devlin: No.

Attorney Sinclair: So you don't know, when Captain Fraker said, "I hope the bastard's dead," what or who or any of the circumstances that was in regard to.

Dr. Devlin: No, but I took—

Attorney Sinclair: (interrupting) Thank you. (pause) Dr. Devlin— who are you dating?

ADA Haywood: Objection.

Attorney Sinclair: Goes to bias.

Judge: The witness can answer.

Dr. Devlin: (in a small voice) John Clark.

Attorney Sinclair: I'm sorry?

Dr. Devlin: (moves her mouth closer to microphone) John Clark.

Attorney Sinclair: A detective in the 15th Precinct—right?

Dr. Devlin: Yes.

Attorney Sinclair: And were you dating Detective Clark during this incident?

Dr. Devlin: I was.

Attorney Sinclair: Nothing further.

ADA Haywood: Redirect, Your Honor. Dr. Devlin, have you discussed your testimony at all with Detective Clark?

Dr. Devlin: No.

ADA Haywood: And has Detective Clark influenced your testimony in any way?

Dr. Devlin: No.

ADA Haywood: Thank you, Doctor.

Competing Schemas

How can we characterize this exchange of questions and answers? Perhaps we should call it a *Battle of the Schemas* since each side was trying to trigger schemas in the minds of the jurors. Haywood was trying to have

the jurors play in their minds a film clip with the schema or script (or, as a similar concept is called in the law, a "narrative") of "angry vindictive drunk careening around and in frustration pulling his gun to kill the man he hates." This wouldn't be too difficult for any of us to reasonably piece together. Earlier in the show (before this scene) Sinclair suggested a schema in which Rodriguez drew on Fraker first. Here, Haywood tried to show that such a schema was impossible, saying, "If a man as intoxicated as Captain Fraker saw a sober man draw his own gun," Fraker would *not* be able to outdraw the sober man. Notice that her questioning, however, was weak, convoluted and hard to follow. She should have made clear, decisive statements (as her opponent did later) because she knew that Devlin, her own witness, who wanted to help her, would agree. But instead, she was unclear and didn't effectively use what (at least at first) was her very believable star witness. Research has shown that jurors are more likely to believe "authoritative, objective" witnesses—ones like Dr. Devlin, who show their education and training by using technical terms like "per procedure" and "hand-eye coordination would be substantially diminished"—witnesses who are considered to have an "expert medical opinion" and are sure of themselves on the stand.

In any event, defense attorney Sinclair threw a monkey wrench into all this. He sabotaged Haywood and Devlin's schemas, established his own and broke down the "authoritative, objective" status of Devlin.

The very first thing Sinclair said, about Devlin being "a medical witness, not a cowgirl," was calculated both to a) block ADA Haywood's script about Fraker being too drunk to outdraw Rodriguez by claiming even a medical witness could not make that conclusion, and b) break down Dr. Devlin's status by comparing her to the somewhat unserious figure of a "cowgirl," suggesting to the jurors that Devlin (who is young and quite beautiful) shared qualities with a cowgirl: a young woman, valued for physical talents rather than intellectual abilities.

This image further invited the jurors to attach to Devlin any other less-than-authoritative, or even downright sexual, thoughts about cowgirls they might have had floating around in their heads. Also, importantly, Sinclair created a bond with the jurors by making them laugh. Research shows that the more the jurors like a lawyer, the more believable they will find his or her side, perhaps because the *lawyer* is more believable (that is, they are more likely to assume he or she is being cooperative).

Sinclair tried to derail the "vindictive killer" storyline. He refused to allow the inference clearly invited by Devlin's testimony—that when

Fraker repeated the phrase, "I hope the bastard's dead," he meant Rodriguez. Don't we have to assume that Fraker is referring to *somebody* when he says that? The most logical inference would be the somebody that he had just *shot*! But Sinclair blocked this: no inferences please, just the facts, ma'am. Note Sinclair didn't ask Dr. Devlin what schema she believed since he knew Devlin inferred Fraker meant Rodriguez. Instead, Sinclair asked questions to which he knew the answer must be "no" ("no" has such a nice sound in the mouth of a witness you don't want the jury to believe), and invited the jury to make the inference that since Devlin wasn't *at* the shooting, she couldn't know who Fraker was talking about. This is very illogical—she could know who Fraker shot without having to witness it herself—but it worked, because it threw Devlin off her stride and confused her briefly, allowing Sinclair to create the impression that she was making *unwarranted* inferences. Sinclair was building a schema in the minds of the jurors about Devlin as witness: *here is a witness who draws conclusions that she shouldn't; therefore nothing she says should be believed*. In so doing he dragged their minds away from the most obvious inference, that it was Rodriguez whom Fraker hoped was dead. (Good thing this all happened quicker than it takes to explain it. Of course, that's why schema-building makes language use so efficient and economical.)

Then with an impassive face Sinclair went in for the kill. While Devlin was still off balance from his interruption of her answer about Fraker, he hit her with the question, "Who are you dating?" She answered weakly, although audibly. Sinclair asked again, both to draw more attention to the answer and to imply that she had wanted to avoid answering in the first place. He established she was dating a detective from the squad, and was dating him at the time of the shooting, and asked no more questions. He left it to the jurors to build their own schema. And a strong one it was, as we saw how ineffectual Haywood was in trying to dismantle it. Haywood asked, in essence, if sleeping with someone could cause a bias in your testimony. "Oh, no," said Devlin. But the denials did nothing to rattle the well-known script of lying to help someone you love.

The language of the courtroom is unlike any other in its manipulation and blocking of schemas. And "conversation" there is unique in another important aspect as well: lawyers have all the power. They have the absolute ability to ask questions, which, if not disallowed by the judge, the witness *must* answer. The judge said, when Sinclair asked who Devlin was dating, "The witness can answer." He meant, of course, she had no other choice but to answer.

Further, a witness must answer *only* the question put to her. As we saw above, Sinclair observed that since she wasn't in the squad room during the shooting, she didn't know "when Captain Fraker said, 'I hope the bastard's dead,' what or who or any of the circumstances that was in regard to." This was as leading a question as there can be. There was only one answer possible, and after she gave it, the rules of the courtroom gave Sinclair every right to cut her off. *This isn't a conversation.* This isn't speakers having a give-and-take. This is a closely regulated process of extracting information from witnesses through question and answer.

The Law Is Language

Language is at the very center of the American legal system. We need, of course, Dr. Devlin's medical science to interpret blood chemistry. And the police lab uses physics to reconstruct the trajectory of a bullet. But we need *linguistics*, the science that analyzes language, just as much, to understand and interpret how language works. We saw how even hard scientific evidence, something most of us feel it is impossible to fake or change, must itself be presented—and therefore interpreted—through language.

Further, most of what *happens* in the law is not "hard evidence." What happens in the law is *language* (see Leonard 2003). We write laws through language, issue subpoenas and warrants, give testimony and write contracts. Attorneys use language to write briefs, make opening and closing arguments, question and cross-examine witnesses. Judges issue orders, write decisions, and charge juries. The police canvass for information, question, interview and interrogate, and suspects provide alibis and explanations, claim, deny and confess—all through language.

We have seen how changeable and slippery language is, how open to interpretation it can be—how in the right hands, or mouth, it can paint pictures in people's minds and block others from presenting their side of an argument. A letter sent to *Atlantic Monthly* to complain about this state of affairs (in response to a November 2000 article) demanded language that had "clarity":

> Nuance is highly overrated. In business and law the LAST thing I want is nuance. In nuance is a legal case. I want stark, bleak, naked, cold and heartless clarity in my business documents. And that is what I shall have.

> Fat chance.

INTERROGATIONS: POLICE INTELLIGENCE-GATHERING VS. DRAMATIC DEVICE

Interrogations as Core Dramatic Device

NYPD Blue is a great TV show. It isn't, of course, reality. On a TV show (even so-called "reality" shows), everything that happens or doesn't happen must be for *dramatic* reasons, not because it is a slice of real life. For example, on *NYPD Blue* we never see the police record anything with video, or voice tape, or use a stenographer, or even scribble notes when they interrogate a murder suspect. How often have you ever seen anyone on the show read *Miranda* rights? "You have the right to remain silent …," a mainstay even of other cop shows, usually isn't bothered with. When the detectives haul in a perp (someone suspected of having perpetrated, or committed, a crime), they do not routinely interrogate that perp with his or her lawyer present, since it wouldn't advance the ball dramatically as well as the kind of police interrogations we do see on the show.

On *NYPD Blue* interrogation scenes serve a key dramatic function: they let the detectives mingle with perps and witnesses and family members. They allow the plot to unfold, as piece after piece of new information, detail after detail of interaction, all combine to build the jigsaw puzzle of each player's personality and character. The interrogations are a great vehicle for establishing who everyone is and what they are made of. And this is largely done not through actions—think how rare action shots really are on *NYPD Blue*—but through language.

Before we look at *NYPD Blue*'s more drama-oriented interrogations, let's step back (as we did before with courtroom procedures) and look at some underlying scientific principles of getting information from interrogations.

The Goals of Real-World Interrogation

The sociolinguist Roger Shuy[5] says that we might want to evaluate the information that comes from police interrogations by the standards of police *intelligence analysis*, and until we are sure of the subject's guilt, at least allow for the possibility that the perp *didn't* do it:

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[5] Roger Shuy virtually founded forensic linguistics as a field in the U.S. He has written many excellent and readable books on the subject. A superb book I use as a text, immensely popular with my students, is *The Language of Confession, Interrogation and Deception* (Sage Publications, 1998).

Unless the evidence is explicit and noncontroversial, intelligence analysts, by definition, pose multiple hypotheses about the information they receive. One hypothesis, of course, is that the suspect is guilty. But efficient intelligence analysts cannot stop here. They must also pose hypotheses of innocence: how can the data be interpreted to support the suspect's claim of innocence? …In fact, the role of the intelligence analyst is to probe allegations and suggestions of criminal activity, rather than to build an evidential case. (Shuy 1998: 16)

Intelligence analysis—looking at information from different angles to see how the evidence could support the suspect's innocence as well as guilt, and imagining multiple other explanations for the data at hand— is superior in many ways to just trying to pin the crime on an available suspect. First, to assume innocence is more just. Second, we will be more efficient at getting criminals off the street because we are trying to find the person who *actually* did the crime, not merely someone to charge with it. Third, we avoid wasting sums of money prosecuting people who turn out to be not only innocent but not convictable. Shuy gives the famous example of the *United States* v. *John DeLorean*, a case with which he was involved.[6] Here the prosecution and the police never entertained the possibility that DeLorean was innocent until they lost the case and he was acquitted.

The secret police in Mombasa, Kenya, once questioned me when I lived in East Africa, years ago during the reign of Jomo Kenyatta. Special Branch accused me of operating as a spy, gathering intelligence along the politically sensitive North Coast near the border with Somalia, and trolling for information in the bars and clubs of Mombasa, Africa's second-largest port. The most prominent, *prima facie* evidence against me, I believe, was that I was an American who fluently spoke three dialects of Swahili. The most obvious schema that explained that odd state of affairs was that I was a spy. They brought me into a room. No one asked me a thing; I was told what I had been doing and that I was guilty.

But I wasn't a spy, and quite luckily for me I could prove it. I possessed (and providentially had on me) a document issued by the Office of the President of Kenya that declared I had research clearance and was a researcher from Columbia University. The document showed that the very activities I was accused of doing were what I was actually supposed

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[6] See Shuy's 1993 *Language Crimes*

to be doing: sailing around the North Coast on Swahili dhows and making occasional visits to big-city Mombasa where I could get my recording equipment fixed. I was on a Fulbright Fellowship to do research on the Swahili dialects of the North Coast.

Interrogations Versus Interviews

Situations like these, and many others in which one is questioned, highlight a distinction Shuy draws between interviews and interrogations: In *interrogations* it is very clear who is in charge—who has the power. In *interviews* the power relationship at least seems more equal. It is in *interviews*, Shuy notes, that the police often get the better intelligence. There are many reasons for this, some obvious and some that will probably surprise. We'll come back to this later.

Obviously if you are being beaten, or if you fear for your safety or your life, you will likely confess to anything you're told to.[7] Even if you are only badgered, or threatened, or lied to, you will still say things in response to those stimuli, and not necessarily because they are the truth. This makes the questioners very efficient—if they don't particularly care about the truth and only want you to confess.

How to Get the Best Information: Don't Ask Questions

Of course, we can assume most police are interested in catching the person who actually did a crime, not merely finding someone to pin it on while letting the guilty person go on to other ones. So we need a method of finding out who did do the crime before trying to get a confession. It is almost universally agreed—by police interrogation experts, by psychologists and by linguists—that there is a certain maximally efficient way of getting information:

> Interrogation manuals uniformly suggest that questioning is most effective if the suspect is first asked an open-ended question that enables him or her to tell his or her story uninterrupted. At that point, the officer can follow up with *wh-* questions for the specifics of who, what, where and when. Then, probes follow, usually with questions that can be answered with either a yes or a no. The

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[7] Although I might be tempted to say that I could have withstood anything the secret police inquisitors threw at me, the truth is that right from the beginning of my interrogation in Kenya I would have readily confessed to having assassinated President Lincoln.

principle here is that the best evidence is that which is self-generated and not influenced by the question or the questioner. (Shuy 1998: 147–8)

This last point is crucial: *subjects generate the best evidence all by themselves, not in response to questions.* Later I'll discuss an interview style that maximizes the information a subject will produce. Meanwhile, consider a stunning reason to let witnesses talk before asking *any* questions.

Questions Can Actually Change a Witness's View of "Reality"

It comes as a great surprise to most people that questioners can *change* someone's memory just by the way they conduct their questioning. People have the unfounded notion, learned from our culture, that one's senses "record" reality the same way film records an image. In this view, memory retrieves the reality-record from some mental file and produces it for the consciousness to examine. Actual data, however, seem to support quite a different view—that memory reinvents reality each time it is called upon. A better analogy, actually, than photo film is a dream. Disjointed half-images float around our heads and we hammer together a meaning out of them. But there is no "reality" in a dream to record in the first place; nor is there, it would seem, in the world outside of dreams, either. We cobble together some meaning from what our senses tell us is happening in the real world, but we only perceive what we are led to believe we will perceive. The real world does not actually exist. Or if it does exist, we don't have access to it. What we do have access to are schemas. And as we will see, sometimes questioners accidentally change a witness's memory by calling up certain schemas—and sometimes they do it on purpose.

Lawyers and others develop skills in language that change people's perception of reality. As we look at these techniques, they may at first seem like sleight of hand. But they are quite simple and use established scientific linguistic principles—like the schema-building we discussed in the last section—to alter the memories of even eyewitnesses. Study after study shows the effects. For example, asking questions with inserted "presuppositions"—assumptions built in to the very structure of the language used—caused subjects to remember a barn in a film of an accident they had seen a week before—though there was no barn in the film:

[S]ubjects saw a film of an accident and were asked the key question "How fast was the white sports car going when it passed the barn while traveling along the country road?" No barn actually existed. One week later, these subjects returned and answered a new set of questions, including "Did you see a barn?" Compared to a control group whose initial questionnaire had not mentioned a barn, these "barn" subjects were much more likely to report that they had seen the nonexistent barn. (Loftus: 3–14)

What these researchers discovered won't surprise us too much if we remember our examples of the Cooperative Principle and its interaction with schema-building. As we saw with Bronston, and Susan and Joan, and the Battle of the Schemas with Haywood and Sinclair, we automatically assume that people are cooperating with us as we try to make sense of things and construct or pull up schemas. A barn fits quite nicely into the standard schema of a country road. If we had been watching that film, we would no doubt be focusing on the car, so we might not have noticed if there was a barn. When someone asks about a barn it suggests to us a higher probability of there having been a barn than if no one mentioned a barn at all: we think, "Now that you ask, it would make sense that maybe there was a barn."

In another study, choosing loaded words to ask about accidents in a movie caused people to remember the speed of filmed cars differently. The question issued was: "About how fast were the cars going when they hit/smashed into each other?" Those asked with *hit* estimated an average of 34.0 mph; those with *smashed* averaged 40.8 mph. Further, when asked a week later, "Did you see any broken glass?" those originally asked with *smashed* were more likely to answer yes than those originally asked with *hit*. There was no broken glass in the film (Loftus 10).

So, subtle and almost imperceptible differences in the wording of questions can influence witnesses' recall of events. We can change "reality" by asking questions in a certain way. A superb example of this is from Richard C. Wydick (*The Ethics of Witness Coaching*, 17 Cardozo L. Rev. 1 [1995], discussed in Tiersma 1999: 173). A lawyer interviews a witness before going into court:

Q: When Bloggs came into the pub, did he have a knife in his hand?
A: I don't remember.
Q: Did you see him clearly?
A: Yes.

Q: Do people in that neighborhood often walk into pubs with knives in their hands?
A: No, certainly not.
Q: If you had seen Bloggs with a knife in his hand, would you remember that?
A: Yes, of course.
Q: And you don't remember any knife.
A: No, I don't remember any knife.

What started out as "I don't remember" may come out at trial as follows:

Q: When Bloggs came into the pub, did he have a knife in his hand?
A: No, he did not. (Tiersma: 173)

In open court, the first exchange might very well have been objected to. But in a lawyer's office, there is no such scrutiny. The question "If you had seen Bloggs with a knife in his hand, would you remember that?" should remind us of the barn example, but in reverse. It was easy to suggest a barn, since a normal schema of a country road includes a barn. If your most normal schema is that people in a particular neighborhood NEVER walk into pubs with knives in their hands, it might take a lot for you to notice if someone actually did, because you wouldn't be looking for it and it might be easy to overlook if it weren't made obvious—especially in a place like a bar, where there are probably many things going on to distract your attention. So the fact that you didn't see something out of place in a very familiar context doesn't mean it wasn't there. There is a well-known experiment that demonstrates how an unexpected event—even an absurd, jarring event like a person in a gorilla suit walking blithely through a basketball game—will not be noticed by a large percentage of the audience because they are given a task like counting passes that keeps their consciousness on the game itself. "Observers often do not see unanticipated objects and events," say the researchers. (Simons and Chabris 1999: 1065) They only "see" what makes sense in the context of the game.

So Don't Ask Questions
if You Want What Really Happened

Police departments know these principles. During the infamous Washington, D.C., sniper attacks in 2003, the police repeatedly broadcast the following advice for anyone actually witnessing something: call the police and do NOT speak to anyone. The authorities had been confused and misled several times by witnesses imagining details that had not existed, and they wanted witnesses to have as unrestructured a memory as was possible.

The process of triggering schemas can work against you if you are trying to find out what really happened. Thus if you *don't want* to shape people's memory of events, say many experts, *don't ask* them questions.

There is a professional technique called SCAN, invented by A. Sapir, which is based on this. Shuy states that the very heart of Sapir's claim is that "the interviewer is the most serious obstacle to obtaining information" (1998: 105). SCAN technique asks people who have some knowledge of the incident under investigation to write a statement on their own, before ever being interviewed. (The statements are then analyzed to see who should be followed up on.)

The Interactional Interview
and the Effective Interrogation

I suggest that the best path to gather intelligence, and to obtain confessions, is a sequence that I call the *Interactional Interview*, based largely on the brilliant *Linguistic Interview* techniques developed by William Labov, one of the world's most respected sociolinguists and experts on interviews. Linguists have analyzed thousands of actual interviews and conversations, and from them distilled techniques and systems that produce the most interaction. My Interactional Interview uses the interview techniques of linguists, modified for forensic purposes.

The Linguistic Interview is designed to start subjects talking, in whatever language, and keep them talking. Linguists are interested in language, in the talk itself, so a linguist normally doesn't use these techniques to get information but rather to get the talk the information is wrapped up in. It's like buying a thousand boxes of cornflakes to get the boxes. Of course, you also wind up with an awful lot of cornflakes.

The Interactional Interview uses the cornflakes, too. The Interactional Interview gathers information from the subject that may, for example,

contradict earlier information, or implicate an accomplice, or demonstrate that the subject should not be considered a suspect.

The first step in the Interactional Interview sequence asks the subject to give as unstructured an account as possible, to avoid triggering schemas and to avoid letting the subject know how much the interviewer knows.

Secondly, one asks questions according to techniques that *mimic the dynamic structure of true conversations*. Shuy gives detailed descriptions of effective police interrogations. These reveal a surprising feature: politeness. The questioner takes the point of view of the subject, and lets the subject have an unlimited turn.

Actually, more than an unlimited turn. Shuy describes a technique he has taught students for years and which Labov also taught, which is also used by skilled police interrogators: you simply don't take your turn in the conversation.

You look interested and show clearly that you follow what the subject says. You nod, make feedback responses such as "uh-huh" or "ah" or "umm." But you don't take your turn in the conversation. After a few seconds, the person speaking will start up again (try this at home!), often recycling and elaborating part of the story he or she has just told, and will go on from there without being aware of what has happened. The Linguistic Interview encompasses many other elements that I won't go into here except to note that they all demonstrate a respect for what the subject will say.

I was surprised when I started doing research in forensic linguistics and discovered that skilled police interrogators used techniques that looked very much like the Linguistic Interviews Labov trained me to use for my doctoral research. It is interesting that essentially the same procedures form the core of the best and most effective police interrogations.

If the most effective and valid interrogation is that which mimics genuine conversation, the true power differential between the police and the subject is barely reflected in the conversation. The questioner guides. As much as possible, the subject is allowed to speak freely, without interruption.

The questioning itself should follow well-accepted principles of linguistics and the literature on interrogation procedures:

First: ask open-ended questions

Then: ask *wh-* [who, what, when, etc.] questions

If necessary: probe with yes-no questions

Then: repeat the cycle with another open-ended question (Shuy 1998: 178)

Allow for face-saving; never browbeat. Let subjects show either consistency or inconsistency in their stories. This latter is the proverbial "enough rope to hang oneself with."

Shuy is emphatic that "investigators should begin the questioning of suspects with an information interview and continue to gather facts until such time as the suspect's fact reporting becomes inconsistent. At such a point, it is proper to move into a genuine interrogation in which the goal is to elicit a confession…" (192).

NYPD Blue's Police Intelligence-Gathering

In a typical *NYPD Blue* show, we open with a crime scene, usually of a murder. The detectives arrive, are briefed by the uniformed cops as to what is so far known, and examine the crime scene and the DOA. (DOA actually stands for Dead On Arrival to a hospital, but is also used to refer to any dead person.) Witnesses—for example, the superintendent of the apartment building, or the plumber who found the body, or perhaps the deceased's roommate—are waiting to be interviewed. Often one team of detectives announces they are going to canvass, which essentially means to go through the area and see if they can find anyone who has any knowledge to share, while another team examines the body and talks to the assembled witnesses. The questioning of witnesses is done pretty much as the experts would suggest: begin with open-ended questions and proceed through to more detailed ones, letting the witnesses self-generate the information. Often we then see the detectives back in the squad room, discussing leads and theories and processing the phone "dumps" (records of calls) and deciding what to do next. Later in the show we likely see them walking up the stationhouse stairs with someone they want to question, either as a witness or a suspect. It is clear from the dialogue that no questioning has been done before they sit down at the table in one of the interrogation rooms. As noted before, no recordings or notes ever seem to be made, and no one seems to be *Miranda*-warned of his or her right to avoid self-incrimination. Typically the show's detectives "have a go" at the perp and seem to hope that by accusing or badgering him he will confess. If that doesn't work, they might lie to the perp and claim that they have information that contradicts the perp's alibi, or say that they have witnesses or hard evidence that clearly incriminates him. Witnesses and suspects are also questioned at their homes or places of business. Wherever they are questioned, the detectives make a very big deal of avoiding letting suspects request that

their lawyers be present. When a suspect seems like he or she is about to "lawyer up"—refuse to talk except through a lawyer—the detectives get agitated and often attempt to forestall him or her. They suggest to the suspect that anyone who wants to have a lawyer present is not co-operating—and probably has something to hide, because otherwise he wouldn't need a lawyer: "When you start saying things like you want a lawyer that puts up a red flag with us, Mr. Smith."

But even though interrogations on *NYPD Blue* are chiefly dramatic devices, the most effective interrogations often follow the very inter-view techniques that have been shown to work so well in real life.

Take Det. Bobby Simone's series of interactions with a man who raped and killed his own little son. Simone is a master interrogator, probably the most skillful of all the characters to appear on the show. One of the most effective stories was the two-part episode "Lost Israel," about a rape-murder of a little boy in Tompkins Square Park, an area in the Lower East Side rife with derelicts and shooting galleries. The detectives gradually realized that though it had seemed that a homeless man was guilty, the killer was actually the boy's own father, Steve Egan. Sipowicz wanted to "tune up" Egan, to beat the truth out of him, but Simone's cooler and more calculating head prevailed. Simone just talked to the father, and as much as he despised him, he maintained a conversational style. He maintained *politeness*. He let Egan talk.

Eventually, he got the information he needed to be sure Egan was the murderer, but so well had Egan framed the homeless man, Israel, that Simone needed a confession. This would be especially difficult because the man's lawyer carefully controlled every conversation.

Sipowicz had developed a respect and fondness for the homeless Is-rael, a mute, derelict, elderly black man—yet against his better judg-ment he badgered him and accused him anew of raping and murdering a child in a staged effort to draw out Egan, who was watching the inter-rogation.

As a result, Egan evaded his own lawyer to come and talk to Simone, ostensibly to ask him to tell another detective to leave Egan's wife out of the questioning, but actually because he wanted to talk, one to one, without an intermediary. Simone let Egan talk and talk, only guiding, never badgering or confronting: quite a contrast to a Sipowicz tune-up.

EGAN: You impress me as an intelligent and reasonably sensitive man.... I told you my plans, my friend, so please get out of my way!

SIMONE: (silence)

EGAN: I'm not prepared to dispute you are my friend, and I could use a friend very much, but at the same time you are a detective whose job is attributing guilt.

SIMONE: That is for lawyers and the courtroom. I am trying to understand what happened here.

EGAN: I thought you were trying to forgive everyone.

SIMONE: You know there is forgiveness. You know there's forgiveness. I need you to help me understand.

EGAN: Well, I'm exhausted. And I'm in a state of hopelessness.

SIMONE: That's all right. That's all right. Steve—you brought me here. I need you to tell me why.

Egan told Simone that God told him to do it, so that he would stop abusing his son. He then requested:

EGAN: Kill me. Please. Please. Shoot me in the head.

SIMONE: (close up of stony-faced Simone) I can't.

EGAN: Help me confess. Hurry, get a pencil and paper.

Thus he confessed to Simone, one step ahead of the lawyer chasing them down to stop the interaction. In this case we see Simone using the rules of natural conversation in an effective way for his interrogation purposes. The less he says, the more opportunity he gives Egan to condemn himself with his own words. And when he does talk, his choice of language is very similar to Egan's educated, almost stilted, formality, as in Simone's "Sir, do you think it would be more appropriate to take your concerns to . . . ."

In the next section we'll take a look at how the words people use put them in a certain social category and establish their identity—with either positive or negative consequences. Simone adapted to Egan's way of talking; later we'll see Simone use deep street talk with a junkie. Sipowicz doesn't demonstrate the same range or fluency as Simone does and, as we'll see in the next scene, when he encounters language that emphasizes the social difference between him and someone else, he simply becomes incensed. In contrast Simone is flexible enough to use different ways of talking as another interrogation tool.

You Are What You Speak: Language Is Identity

On one show, Sipowicz and Clark visited a rich big-shot artist, a woman whose former assistant had just been killed. The artist had recently published a photo essay of death row inmates in the *New York Times Magazine* and therefore seemed to the detectives as someone who might not be on the same side as the police. A staple of *NYPD Blue* is confrontation between good-guy working-class detectives and a snobbish effete upper-class poseur, as shown well in the language used in this questioning:

> SIPOWICZ: Detectives Sipowicz and Clark, Miss Howe. Need to ask you some questions about Maureen Dickerson.
>
> HOWE: Regarding what?
>
> SIPOWICZ: Maureen got assaulted in her building. She didn't see who did it.
>
> HOWE: And she accused me? Is she joking?
>
> CLARK: Sounds like you didn't get along well.
>
> HOWE: I never touched her. I may have raised my voice. That's not illegal, is it?
>
> CLARK: You recently raised your voice? Like, when you fired her?
>
> HOWE: I suppose.
>
> CLARK: Tell us about it.
>
> HOWE: She broke a rule about cell phone calls.
>
> SIPOWICZ: And you fired her for breaking it?
>
> HOWE: I fired her because when I was explaining the rules she threw her phone against the wall and called me names.
>
> CLARK: Did the argument end there?
>
> HOWE: It ended when I caught her stealing a Hasselblad case she said was hers for severance.
>
> CLARK: You find anything else missing?
>
> HOWE: No.
>
> SIPOWICZ: You didn't get any feelings of revenge after finding her ripping you off.
>
> HOWE: No!
>
> SIPOWICZ: Friend of mine said you shoot pictures of convicts.
>
> HOWE: That's right.
>
> SIPOWICZ: Any of them owe you favors?
>
> HOWE: I don't understand.
>
> CLARK: A favor—like, "My assistant's a *thief*, I need her ass *kicked*."

SIPOWICZ: Because you don't look like somebody who gets her hands dirty, personally.

HOWE: I don't think I have anything else to say to you.

SIPOWICZ: If you did pull a contract you want to tell us now 'cause it didn't go according to plan. The girl's dead.

HOWE: Maureen's dead.

CLARK: Shot twice.

HOWE: Wow.

SIPOWICZ: Yeah, Lady, "wow." And when we pull your phone records and find contact with a con who rolls over on you because he knows the system better 'n you that's gonna be a huge "wow" because you'll be looking at felony murder.

HOWE: I've had enough. I need to talk to my attorney.

CLARK: That's putting up a red flag to us, calling your attorney.

HOWE: I didn't do anything to Maureen. And I have no more time for this. So you'll just have to deal with my lawyer. (the detectives fall silent)

When the next scene opened back at the police stationhouse, it is reported to the lieutenant that "[Sipowicz and Clark] said the lady lawyered up and she's worth a further look."

Notice in the dialogue how Sipowicz manipulates the "wow" to contrast himself—a serious, down-to-earth cop—against someone who to his mind is a superficial, phony 1960s-leftover liberal (and who, by the way, didn't do it). Where Simone uses such differences strategically, Sipowicz does not. He spits "wow" back to the woman in indignation. And look at the results it gets: the woman lawyers up and refuses to talk.

The cops, of course, also have their own way of talking that marks them as cops. They are no less identifiable by the words they choose than the woman is by hers. So talk can mark you as an outsider—but at the same time serve as an ID card for insiders. It can also prevent outsiders from understanding your speech. Many of the slang and jargon words the cops use on *NYPD Blue* have been noted already—*perp*, *lawyer up*, *the house*, *phone dump*, *DOA*, *Rat Squad* and *tune up*—and many haven't, *jackpot* (be in trouble), *reach out* (contact someone, usually someone you have known before, often for the purpose of asking a favor), *CI* (confidential informant—that is, a street informant), *a collar* (an arrest—as in *make a collar* and *you're a collar*), *in the wind* (fled, in hiding), *a dump job* (a victim killed one place and left in another), *a floater* (dead body that, after a period of time in water, has risen to

the surface), a *mutt* (a lowlife, loser), a *skel* (junkie, lowlife; from *skeleton*—as one real-life NYPD officer explained to my team, "skeletons, what most drug users wind up looking like") and *the job* (the police department—as in *the job wants you to do it this way, contact the job in Baltimore to grab up our fugitive* and *you on the job?,* meaning "are you a cop?").

When it first hit the airwaves, part of the show's appeal was that it used *rough* language, much rougher than that of any other broadcast show of the time. The dramatic justification was obvious. Being a detective in New York is rough business; rough language lent credibility and presence. The other envelope that the show pushed was the "partial nudity" that the network seemed to love "warning" viewers was coming up. The dramatic necessity of seminude simulated sex scenes was not so easily explained, except perhaps by prurient appeal. But the language certainly made sense, for it helped identify tough cops in a famously tough city.

And the producers and writers knew their audience: the rest of the U.S. holds strong stereotypes (otherwise known as *schemas,* right?) about how tough New York is. My own research on attitudes towards New York and New York speech shows this clearly. My favorite example is a woman from Georgia who characterized New York to one of my students as "a place where when you get mugged, nobody notices." Notice that's not "if" you get mugged.

On a visit to the University of California at Los Angeles I was talking to another New Yorker who taught there. We finally noticed a student of his standing in the doorway listening, her eyes wide. She asked me, "Are *you* from New York, too?" I nodded. "Gee," she said, "you guys must be *tough.*" On a Disney World bus, an innocent-looking suburban New York college student sat next to a mother and child; they chatted with him and, hearing his accent, asked where he was from. When he answered they got up and moved to the other side of the bus. New York is immoral, impolite, fast-paced, vulgar, angry, bawdy, loud, violent, gritty and, wait, did I forget? *Tough.*

NYPD Blue revels in the fact that it depicts the *New York* Police Department. It pulls out all the stops on schemas viewers have of New York as a place where Anything Can Happen. Moreover, it is set in the Lower East Side, where millions of poor immigrants have lived, a prototypical New York area, a gritty and tough neighborhood. The detectives are the force that keep the world in balance. They toil in the fight between Good and Evil, and they need special powers to fight the special powers of New York Evil. They possess these powers, because they too

are New Yorkers. (Even if Sipowicz actually has a Chicago accent.) Who could out-tough Sipowicz and Simone? Who could evade them? Who could con them? Nobody: just listen to them speak.

Street criminals use code words and the grammar and secret language of the street, but they can keep no secrets from tough, street-savvy cops like Simone.

In one episode, Simone and Sipowicz question a drug addict, Larry, whom they "like" (suspect) for the murder of his elderly aunt. Simone uses the street terms *get behind* (act like you believe), *jonesin'* (strongly craving something; here a heroin fix) and *score*, which of course means "to obtain something" (often an illegal substance like drugs). Also *boostin'* (stealing), and *get over* (here, succeed). Larry is black, and when Simone says *aunt* he says it with the Southern and Black pronunciation *ahnt* (with the *a* sound the doctor wants when telling you to say *ah)*, and not like most white New Yorkers say it—*ehnt*, same as the insect "ant." He uses what is referred to as "nonstandard *like*" saying, "This is like the worst story I ever heard." This *like*, despised by grammar teachers, is a discourse marker that has various functions in both white and black speech; here it signals a mitigation of claim, giving the impression of camaraderie, as well as extreme informality. Lastly, Simone uses deep New York grammar and asks, "When was the last time you seen [instead of *you saw*] your Aunt Etta?"

> SIMONE: When was the last time you seen your Aunt Etta?...(Larry gives a smooth but hopelessly farfetched account of where he has been and why he is carrying an envelope with his aunt's jewelry. His leg begins to involuntarily shake: he is starting to withdraw from heroin.) This is like the worst story I ever heard.
> LARRY: Yeah, well, that's what happened, man.
> SIMONE: Larry, this stuff is so bogus, *you* can't even get behind it. Y'know what I think happened? (Simone pulls in real close to Larry, sticks his face right next to his. Larry starts losing his cool, grimaces.) I think you did something to your aunt that *makes you sick*. (Larry winces.) Now, we could bring this to the DA now as a vicious cold-blooded homicide. (Larry leans away, his breathing labored.) I don't think that was your intention. (pause) Y'see, 'cause I can see you jonesin', so I know that you needed to score. But you didn't sell your aunt's jewelry. We collared you stealing a camera with her jewelry *still in your pocket*. That tells me that you loved her. You say to yourself, "Oh, man, let me just try boostin'

this camera, not sell my aunt's stuff unless I can't get over on the street." (Larry cries.) That what you were thinkin' about?

LARRY: (pleading, crying) Leave me alone, man.

SIMONE: Larry, I been on this job long enough to know where people are at. You don't get right with this, behind jonesin' and getting sicker and sicker, and then all that remorse is gonna start comin' on you and you are definitely gonna be a candidate for some guard at Riker's findin' you hangin' in your cell.

This last part of Simone's lines is especially rife with what linguists call vernacular features. He uses *I been, where people are at* and *behind,* and refers to Riker's Island, the infamous New York City jail.

We've looked at the principles of conversation in the intersection of law and language in courtroom examinations and police interrogations, and the way language establishes who we are. We've seen that in normal conversation people operate according to the Cooperative Principle, but in the courtroom, cooperation in schema-building is not a given. Nor, in many interrogations, are the rules of normal conversations followed—but many skillful interrogators adapt their speech and rules of interaction to mimic natural conversation with very good results. Lastly, we've discussed language's great power to sort people out, to act as a badge of identity. But identity is something you wear, not necessarily something you *are*. Language, in the hands of a skillful user like Detective Simone, can let you change identity to suit your purposes.

References

Cole, P., and Morgan, J. L. (editors). 1975. *Syntax and Semantics: Speech Acts.* Volume 3. New York: Academic.

Colman, Andrew M. 2001. *A Dictionary of Psychology*. 2001. New York: Oxford University Press.

Grice, H. P. 1975. "Logic and Conversation." In Cole, P. and Morgan, J. L. 1975: 41–58.

Leonard, Robert A. 2003. "Linguistics and the Law." *Washington, D.C. Legal Times*.

Loftus, Elizabeth R. *Language and Memories in the Judicial System*, reprinted in Oaks 2001: 3–14

Oaks, Dalin D. (Editor). 2001. *Linguistics at Work: A reader of applications*, Cambridge, MA: Heinle and Heinle.

Sanford, A. J., and Garrod, S. C. 1981. *Understanding Written Language: Explorations of comprehension beyond the sentence*. Chichester, England: John Wiley and Sons.

Shuy, Roger W. 1993. *Language Crimes: The Use and Abuse of Language Evidence in the Courtroom*. Oxford: Blackwell.

Shuy, Roger W. 1998. *The Language of Confession, Interrogation and Deception*. Thousand Oaks, CA: Sage Publications.

Simons, Daniel J., and Chabris, Christopher F. 1999. "Gorillas in Our Midst," *Perception* 28: 1059–1074.

Tannen, Deborah (ed.). 1993. *Framing in Discourse*. New York: Oxford University Press.

Tiersma, Peter. 1999. *Legal Language*. Chicago: University of Chicago Press.

Yule, George. 1985. *The Study of Language*. Cambridge: University Press.

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